

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2817 of 2011

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Domi Ram, son of Sukhay Ram, resident of village-Hatwariya, P.S.Pipra,
District- Supaul

.... Petitioner

Versus

1. Bijay Ram, son of Late Gyan chand Ram
2. Khattar Ram, son of Chhotkan Ram
3. Bhupendra Ram, son of Khattar Ram

All residents of village- Hatwariya, P.S. Pipra, District- Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Sinha-3

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 23-06-2015 Heard learned counsel for the petitioner and learned
counsel for the Respondents.

The petitioner invoking writ jurisdiction of this Court under Article 227 of the Constitution of India has prayed for quashing of an order dated 15.07.2009 passed by the learned Sub Judge-III, Supaul in T.S. No.39 of 2007.

It has been pleaded by learned counsel for the petitioner that in view of proviso to Order 6, Rule17 of the Code of Civil Procedure, the learned court below was required to reject the petition for amendment. However, the learned court below has allowed the amendment petition and, as such, the order impugned is liable to be set aside.

Learned counsel for the Respondents opposing the prayer of the petitioner submits that on perusal of the impugned order, it is evident that though a petition for amendment was filed but only typographical error, which had earlier occurred, was allowed to be removed.

I have perused the impugned order. On going through the impugned order, the Court is satisfied that only there was typographical error, which has been directed to be removed and, as such, the order impugned may not be treated as violative of proviso to Rule 17, Order 6 Code of Civil Procedure. Moreover, said order was passed in the year 2009. The writ petition stands dismissed.

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(Rakesh Kumar, J)