

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7725 of 2012

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TRILOKI PRASAD, SON OF LATE GOPALJI PRASAD, RESIDENT OF
MOHALLA-CHRISTIAN QUARTER KASBA WARD NO.3, P.O. AND
P.S. BETTIAH, DISTRICT-WEST CHAMPARAN.

.... PETITIONER/S

VERSUS

1. SMT. SOBHA DEVI, W/O ANJANI KUMAR @ GANGA PRASAD
2. ANJANI KUMAR @ GANGA PRASAD
3. OMPRAKASH WALD

4. ASHOK KUMAR

5. SAMBHU PRASAD

ALL SONS OF LATE GOPALJI PRASAD, RESIDENT OF
MOHALLA-CHRISTIAN AUARTER KASBA, WARD NO.3, P.O.
AND P.S. BETTIAH, DISTRICT-WEST CHAMPARAN

6. BHOLA PRASAD

7. ANAND KUMAR

BOTH SONS OF LATE GOPALJI PRASAD, RESIDENT OF
MOHALLA-CHRISTIAN AUARTER KASBA, WARD NO.3, P.O.
AND P.S. BETTIAH, DISTRICT-WEST CHAMPARAN.

.... RESPONDENT/S

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Appearance:

For the Petitioner/s : Mr. Manish Mishra, Adv.

For the Respondent/s : Mr. Ram Kishun Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

10 14-12-2015

Heard learned counsel for the petitioner.

From previous order sheets, it is evident that notices
have validly been served upon respondents even then they have
not put their appearance.

Gone through the order impugned. From the order
impugned, it is apparent that by putting assertion of typographical
error, plaint has been prayed to be amended on the score that in
para-6 of the plaint area six dhur, has been scribed as 5 ½ hands
which should have been (8 ½ hands) and in likewise manner at

para-7 where there happens to be 5½ hands instead of 8 ½ hands. In likewise manner Schedule No.II has also been prayed for to be amended. The learned lower court had rejected the prayer simply on the ground that it has been pressed belatedly. The suit happens to be of the year 1992. Some sort of embargo is found while invoking the provision under Order-VI Rule-17 by way of new amendment however, the same being a handmade rule, is found some sort of relaxation in order to subserve the cause of justice. Furthermore, save and except having expansion, it did not change the nature of the suit.

However, considering the conduct of the petitioner, at a cost of Rs.5000/- the order impugned is set aside. Petition is allowed.

(Aditya Kumar Trivedi, J)

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