

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9657 of 2014

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Shankar Mahton S/o Late Mishri Mahto Resident of Village- Barua, P.O- Roun,
Pargana- Farkia, P.S and Anchal- Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. Bishundeo Mahto Son of Bhagaloo Mahton
2. Sunil Kumar Verma
3. Sushil Kumar Verma Both sons of Late Kishundeo Verma All Resident of
Village- Barua, P.O- Roun, Pargana Farkia, P.S and Anchal- Alauli, District-
Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 16-05-2016

Heard Mr. Dronacharya, learned counsel for the petitioner
and learned counsel for the respondents.

The plaintiff is the petitioner in this application assailing
the impugned order whereby the prayer for amendment in the plaint
has been rejected.

It is apparent that the prayer of the plaintiff was confined to
the deletion of the word 'Mahto' and substitution of the same by the
word 'Nadi' before the word 'Bagmati' as mentioned in the eastern
boundary of the suit land in schedule-B of the plaint.

Learned counsel for the defendant-respondents has



submitted that he has no objection to the prayer for amendment as made by the plaintiff but has taken the stand that the plaintiff only intends to linger the disposal of the suit. The prayer, therefore, has been made to direct the learned court below for disposal of the suit as the argument of the defendants has already been concluded and only the argument of the plaintiff is to be done after allowing the prayer for amendment.

From the impugned order, it transpires that the learned court below has rejected the prayer for amendment on the ground that the same has been filed at the belated stage when the matter has been placed for argument. However, in view of the stand on behalf of the defendant-respondents raising no objection to the prayer of the amendment as made, this Court finds that it would be appropriate to allow the prayer for amendment as made by the plaintiff as the amendment is apparently simple in nature as in place of 'Bagmati Nadi' the word 'Bagmati Mahto' has been mentioned in the eastern boundary of the suit land.

Accordingly, this application is allowed and the impugned order is set aside. The prayer for amendment as made in the petition dated 27.01.2014 filed by the plaintiff is allowed. However, the plaintiff-petitioner is directed to complete his submission in the suit within one month from today which has also been accepted by Mr.

Dronacharya, learned counsel for the petitioner. The learned court below is also directed to dispose of the suit expeditiously thereafter in accordance with law.

Devendra/-

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(V. Nath, J)

