

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13973 of 2014

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1. Umesh Kumar Singh.

2. Mahesh Kumar Singh Both sons of late Suraj Singh Both resident of Mohalla- Sahjatpur, Andarkila, P.S.- Hajipur Town, District- Vaishali.

.... Petitioner/s

Versus

1. Ram Bachan Singh son of Janki Singh resident of Mohalla- Sahjatpur, Andarkila, P.S.- Hajipur Town, District- Vaishali

2. Ram Pratap Singh son of Ram Surat Singh

3. Parwati Devi wife of Ram Surat Singh Both resident of Mohalla- Sahjatpur, Andarkila, P.S.- Hajipur Town, District- Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 30-09-2016

Heard Mr. Naresh Chandra Verma, learned counsel
appearing on behalf of the petitioners.

The plaintiffs are the petitioners in this application
questioning the legal acceptability of the impugned order by which
the learned court below has refused to allow the prayer of the
plaintiffs for amendment in the plaint.

The learned counsel for the petitioners has accepted that
the suit is going on at the stage of argument. This fact is also



apparent from the impugned order itself that the parties have completed their evidence and the suit has been fixed for argument.

It transpires from the submission as well as the materials on record that the amendment in the plaint has been sought by the plaintiffs at the stage when the suit has been posted for argument. By the amendment the plaintiffs have sought to incorporate a statement that in the sale deed which is the basis of the claim of title of the plaintiffs, plot no. 672 has been mentioned in place of plot no. 671 by the mistake of the ascribe. However, further fact emerges from the perusal of the copy of the plaint which has been brought on record along with the supplementary affidavit on behalf of the petitioners that the plaintiffs have been allowed to amend the plaint which pertained to the correction of the number of the suit plot no. 672 (as initially mentioned) to 671. The said amendment was allowed long back in the year 2011 itself. This fact demonstrates that the plaintiffs were aware of the mistake in the plot number. However, there is no cogent explanation on behalf of the plaintiff-petitioners of omission to make prayer for the amendment which has been prayed later and has been refused by the Court. The learned court below in the impugned order has turned down the prayer for amendment mainly on the ground that the proceeding of the suit has reached to the



stage of argument. Learned counsel for the petitioners however has submitted that the plaintiffs do not propose to lead any evidence.

After considering the submissions and the facts and circumstances of the case, this Court in the backdrop of the fact that the suit has been posted at the stage of argument is not inclined to interfere with the impugned order.

The application is, accordingly, dismissed.

However, the plaintiff-petitioners shall be at liberty to raise objection to the impugned order in accordance with law under Section 105 of the C.P.C, if such occasion arises.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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