

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15 of 2016

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Ram Kumar Sharma

.... Petitioner/s

Versus

Shailendra Sharma & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shree Ganesh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 01-07-2016

Heard learned counsel Mr. Shree Ganesh on behalf of
the petitioner.

Perused the order dated 02.09.2015 passed by Munsif,
Civil Court, Aurangabad in Title Suit No.88 of 2008 whereby the
learned court below has allowed the amendment application filed
by the plaintiff-respondent recording finding that all the
amendments sought for are of formal nature and if allowed, no
prejudice will be caused to the other side.

Perused the amendment application. It appears that all
the amendments sought for are with respect to correction of typing
mistake. For example in Item No.(A) '203 is sought to be
corrected as '1203'. In Item No.(B) after the word 'wife' in the
vacant place "Murli Singh" is sought to be added and so on and so
forth.

The only objection of the learned counsel for the

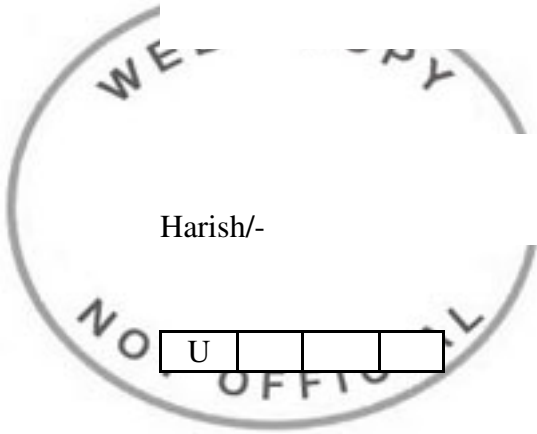
petitioner is that at the very belated stage amendment application has been filed, therefore, the learned court below could not have allowed the same. The learned counsel relied upon many decisions on this question.

The Hon'ble Supreme Court in the case of **J. Samuel and Ors. Vs. Gattu Mahesh and Ors., 2012 (1) P.L.J.R. 412 (SC)** has held that due diligence is the idea that reasonable investigation is necessary before certain kinds of relief are requested. Duly diligent efforts are a requirement for a party seeking to use the adjudicatory mechanism to attain an anticipated relief. The term typographical error is defined as a mistake made in the printed/typed material during printing/typing process. The term includes errors due to mechanical failure or slip of the hand or finger but usually excludes errors of ignorance. So far the former is concerned, if it is typographical mistake then the due diligence provided under Order 6 Rule 17 CPC will not come into play. In the present case, I have seen the application as well as the impugned order and from which it appears that only typing mistakes are sought to be corrected, therefore, the learned court below has rightly allowed the application as no prejudice is caused to the petitioner.

Therefore, I find no reason to interfere with the

impugned order in exercise of supervisory jurisdiction.

Accordingly, this writ application is dismissed.



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(Mungeshwar Sahoo, J)