

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.864 of 2016**

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Sukhdeo Paswan

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha

For the Respondent/s : Mr. Subhash Prasad Singh-Ga3

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 21-10-2016

Heard learned Senior counsel, Mr. Mahesh Narain

Parwar, appearing for the petitioner and learned counsel, Mr. Shiv

Kumar, A.C. to G.A.-3 appearing on behalf of respondent-State.

2. Nobody appeared on behalf of Municipal
Commissioner and/or Executive Officer.

3. At the time of hearing of this civil miscellaneous
application, the learned Senior counsel for the petitioner submitted
that, in fact, there is some typing mistake in the amendment
application itself in view of the pleading at paragraph No.5 of the
plaint, therefore, he seeks permission to withdraw this civil
miscellaneous application with liberty to file a fresh amendment
application.

4. The learned counsel for the State has got no
objection.

5. From perusal of the amendment application, which is

annexure-1 to the civil miscellaneous application, it appears that there is typing mistake with regard to the Item No.1 of the amendment, sought for, and if it is allowed, then again it will make confusion. It may be mentioned here that at paragraph-5 of the plaint Brajbhushan is nowhere typed but in the amendment prayer has been made to cut the name of Brajbhushan.

6. In view of the factual position, without giving any opinion on the question as to whether amendment should be allowed or not, the petitioner is permitted to withdraw this civil miscellaneous application with liberty to file fresh amendment application giving correct facts for amending the plaint. If such amendment application is filed, the court below shall pass a fresh order according to law after hearing the parties without being influenced by this order passed by this Court or the impugned order dated 26.02.2016.

7. In the result, this civil miscellaneous application is dismissed as withdrawn with liberty to the petitioner as aforesaid.

Brajesh/-

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(Mungeshwar Sahoo, J)