

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.530 of 2016**

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1. Sudhir Kumar Thakur  
2. Sushil Kumar Thakur Both Sons of Late Deo Narain Thakur Resident of village - Rampurva @ Repura, P.S. Vaini, District Samastipur

.... Plaintiffs-Petitioners

Versus

1. Lakshmi Devi Wife of Ramsevak Singh Resident of village - Ramapur, Maheshpur, Pragana Saraissa, P.S. Tajpur, District - Samastipur

.....Defendant 1<sup>st</sup> set-Respondents 1<sup>st</sup> set.

2. Sarva Narain Thakur Son of Ramji Thakur  
3. Smt. Shail Thakur Wife of Sarva Narain Thakur Both Resident of village - Rampurva @ Repura, P.S. Pusa ( Vaini ), District Samastipur

.... Defendant 2<sup>nd</sup> set-Respondents 2<sup>nd</sup> set.

4. Most. Archana Devi Wife of Late Anil Kumar Thakur  
5. Abhay Kumar Thakur Son of Late Anil Kumar Thakur  
6. Nutan Mishra Daughter of Late Anil Kumar Thakur  
7. Rupam Devi Wife of Abhay Kumar Thakur  
8. Nikku Kumar @ Adarsh Kumar minor Son of Late Nabin Kumar represented through his mother Rupam Devi All are resident of village Rampurva @ Repura, P.S. Vaini, District - Samastipur

.... Plaintiffs-Respondents 3<sup>rd</sup> set

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**Appearance :**

For the Appellant/s : Mr. Dhirendra Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**

**ORAL ORDER**

5      24-11-2017

Heard both sides.

The petitioner has moved this Court against the order dated 02.06.2016 passed by Sub Judge V, Samastipur in Title Suit No.334 of 2013 by which the amendment petition of the petitioner for deleting the word daughter of Ramsakal Thakur after Laxmi Devi, wife of Ramsakal Singh and for insertion of three mango



trees in the schedule of the plaint has been rejected.

The learned counsel for the petitioners submits that of course, the plaintiff has filed the petition for amendment of the plaint after examination of seven witnesses but the amendment is of formal nature. The plaintiff has everywhere stated that Laxmi Devi is not the daughter of Ramsakal Thakur but due to inadvertence, it has been written in the body of the plaint that Laxmi Devi, wife of Ram Sevak Singh and daughter of Ramsakal Thakur. Therefore, deletion of daughter of Ramsakal Thakur does not change the nature of the suit. Similarly addition of three mango trees in the schedule of the plaint will also not change the nature of the suit.

On the other hand, the learned counsel for the respondents submitted that the order does not require any interference as the amendment sought for by the plaintiff is at very belated stage and that will certainly change the nature of the suit.

Having considered the submission of both sides, I find that the plaintiff filed the suit stating therein that Laxmi Devi is not the daughter of Ramsakal Thakur but it appears that due to inadvertence, it has been written that Laxmi Devi, is wife of Ramsevak Singh and daughter of Ramsakal Thakur. Deletion of the word daughter of Ramsakal Thakur shall not change the nature



of the suit and it will not cause any prejudice even to the defendant and similarly addition of three mango trees in the schedule of the plaint is also of very formal nature but the learned Sub Judge V, Samastipur has erroneously rejected the petition of the plaintiff.

Accordingly, the order dated 02.06.2016 is set aside and the amendment petition is allowed. The civil miscellaneous application is allowed.

**(Prabhat Kumar Jha, J)**

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