

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.584 of 2016**

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1. Md. Taiyab @ Taiyaf Ansari son of Late Md. Rozid resodent of village-  
Rampur Atauli, P.S. - Isuapur, District-Saran (Chapra)  
2. Ahmad Ali son of Late Md. Rozid Resident of Village-Rampur Atauli ,  
P.S. -Isuapur, District- Saran (Chapra) .... Petitioners

Versus

1. Md. Yasin Ansari  
2. Nabibullah Ansari  
3. Basir Ahmad Ansari  
4. Md. Rasid Ansari all son of Late Abdul Azeez resident of village-  
Rampur Atauli, P.S.- Isuapur, District-Saran (Chapra)  
5. Bibi Khodeeza Wife of Late Abdul Azeez resident of village- Rampur  
Atauli, P.S. Isuapur, District-Saran (Chapra)  
6. Bibi Kuraisha, Wife of Late Abdul Azeez resident of village-Rampur  
Atauli, P.S.- Isuapur, District-Saan (Chapra) .... Respondents

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**Appearance :**

For the Petitioners : Mr. Ram Kishore Singh, Adv.  
For the Respondents : Mrs. Sangeeta Sharma, Adv.

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

8      05-12-2017                      Heard both sides.

The petitioners-plaintiffs filed this civil miscellaneous petition against the order, dated 29.07.2015, passed in Title Suit No. 879 of 2013 by Sub Judge II, Saran at Chapra, whereby the learned Sub Judge rejected the petition of the petitioners-plaintiffs filed under Order 6 Rule 17 of the Civil Procedure Code.

The learned counsel for the petitioners-plaintiffs submits that the suit is at the very initial stage, issues have not yet been framed. The plaintiffs filed petition for mentioning the correct description of the property as well as some dates which are left to be mentioned in the plaint. The same shall not change the nature of suit.

On the other hand, the learned counsel for the



respondents submits that the plaintiffs wanted to change the property, but, I find that the suit is at the initial stage. The amendment sought by the petitioners-plaintiffs is of formal nature and even if the wrong description of the properties is corrected it will not cause any prejudice to the defendants.

Considering the facts, I find that the learned Sub Judge has committed jurisdictional error in rejecting the petition of amendment of the petitioners-plaintiffs.

Accordingly, the order, dated 29.07.2015, is set aside and the civil miscellaneous petition is allowed.

**(Prabhat Kumar Jha, J)**

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