

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.873 of 2016

=====

1. Satyendra Narayan Singh S/o Late Raj Ballabh Singh, Resident of Vill.- Arizpur, P.O- Rajila, P.S- Kurhani, Munsiffi & Sub- Division- Muzaffarpur West Dist- Muzaffarpur Petitioner

Versus

1. Vijay Singh, S/o- Late Ramchander Singh, Resident of Vill.- Arizpur, P.O.- Rajila, P.S Kurhani, Munsiffi & Sub-Division- Muzaffarpur West Dist.- Muzaffarpur.
2. Arvind Singh, S/o- Late Ramchander Singh, Resident of Vill.- Arizpur, P.O.- Raila, P.S- Kurhani, Munsiffi & Sub- Division- Muzaffarpur West, Dist.- Muzaffarpur.
3. Randhir Singh, S/o- Late Ramchander Singh, Resident of Vill- Arizpur, P.O.- Rajila, P.S- Kurhani, Munsiffi & Sub- Division- Muzaffarpur West Dist.- Muzaffarpur Respondents

=====

Appearance :

For the Petitioner : Mr. Sanjay Parasmani, Adv.

For the Respondents : Mr. Bindhya Keshri Kumar, Sr. Adv. with Mrs. Ranjana Sinha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 11-12-2017

Heard both sides.

The petitioner has filed this civil miscellaneous petition against the order, dated 13.05.2016, passed by the Sub Judge, VIII, Muzaffarpur, in Title Suit No. 514 of 2013.

The petitioner plaintiff filed amendment petition that due to inadvertence in paragraph 4 of Title Suit No. 514 of 2013 it has wrongly been typed that Bhupi Rai died leaving behind two sons, Ram Kishun Singh and Bishun Singh instead of the fact that Bhupi Rai died leaving behind one son, Madho Singh and Madho Singh got two sons, Ram Kishun Singh and Bishun Singh, but, the learned Sub Judge has erroneously rejected the petition although the amendment is only with regard to correction of mistake and it would not change the nature of the suit.

Mr. Bindhya Keshri Kumar, learned senior counsel,



appearing on behalf of the respondents submits that the plaintiff wanted to change the geneology and the amendment sought for, would change the nature of suit, but, on perusal of the amendment sought, I find no substance in the contention of the learned counsel for the respondents. Plaintiff-petitioner only wanted to correct the error with regard to name of son of Bhupi Singh. Therefore, I find that the learned Sub Judge has committed jurisdictional error in rejecting the petition of amendment of the petitioner.

Accordingly, the order, dated 13.05.2016, passed in Title Suit No. 514 of 2013 is set aside and the civil miscellaneous petition is allowed.

(Prabhat Kumar Jha, J)

SA/-

U	√		
---	---	--	--

