

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11753 of 2011

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Rami Sharma son of Late Bindeshwari Sharma, resident of village- Bherdhari Ward-37 Municipal Council Saharsa, Police Station & District- Saharsa.

.... Petitioner

Versus

1. Sri Mati Gua Devi W/O Kokil Sharma, resident of village- Bherdhari Ward-37 Municipal Council Saharsa, P.S. & District-Saharsa.
2. Ramakant Sharma, son of Kokil Sharma, resident of village- Bherdhari Ward-37 Municipal Council Saharsa, P.S. & District-Saharsa.
3. Kailash Sharma, son of Late Bindeshwari Sharma, resident of village- Bherdhari Ward-37 Municipal Council Saharsa, P.S. & District-Saharsa.
4. Suresh Sharma, son of Late Fulo Sharma, resident of village- Bherdhari Ward-37 Municipal Council Saharsa, P.S. & District-Saharsa.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Amarnath Jha, Advocate
For the Respondents	:	Mr. Subesh Sharma, Advocate
	:	Mr. Neeraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 08-11-2017 Heard learned counsels for the petitioner-plaintiff and respondent nos.3 and 4.

2. This application has been filed for setting aside the order dated 08.04.2011 passed by learned Munsif in Title Suit No.06 of 2010 whereby and whereunder the amendment petition filed on behalf of the petitioner was partly allowed.

3. The plaintiff-petitioner filed an amendment petition seeking four amendments in the plaint. The amendments which were refused by court below relate to description of land. The petitioner wants to add 'kha to Ga' against plot no.4243 Ka. The full details could not be mentioned by deed writer in the document. The deed writer mentioned plot no.4243 'ka' only in



the document. The petitioner further seeks amendment to correct the date of sale deed. The date 22.01.2010 was inadvertently mentioned instead of 22.02.2010. The boundary of the said plot number is same. Both the amendments appear formal in nature and do not change the nature of suit. The learned counsel for the respondents opposed the proposed amendment in the plaint.

4. On going through the amendment petition and pleadings of both the parties, I find that the proposed amendments are simple in nature and does not change the nature of the suit. The court below has erred in refusing the remaining two amendments and if the amendments are allowed it will not prejudice the defendants in any way.

5. In view of above discussions, the order dated 26.08.2010 passed by court below refusing to amend the plaint with respect to description of plot and date of sale deed is set aside and amendment petition of plaintiff is allowed in entirety. The contesting defendant is at liberty to rebut the amended plaint by filing additional written statement with respect to amended portion of the plaint.

6. Application allowed.

(Sanjay Kumar, J)

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