

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.18083 of 2013**

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Arun Kumar Singh Son of Late Daroga Singh, resident of village - Rahra, P.S. -  
Nabinagar and District – Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Aurangabad.
2. The Civil Court, Aurangabad through its Registrar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : M/s Anirudh Kumar Verma and Vikas Kr. Mishra, Advs.

For the Respondent/s : Mr. Indeshwari Prasad, AC to GA-3

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 07-11-2017**

The petitioner before this Court is plaintiff of Title Suit No.55 of 1991. He had filed the said suit for partition of land mentioned in schedule-II and III of the plaint. The said suit was dismissed on contest, against which, the plaintiff filed a Title Appeal No. 8 of 1999 before the District and Sessions Judge, Aurangabad.

2. Heard learned counsels for the petitioner and the respondents.

3. It appears that the petitioner filed a petition before the Appellate Court for taking action against the persons who made interpolation in the plaint. The petitioner has given a genealogical table of his family at schedule-I of the plaint in which Daroga Singh has been shown as only son of Jitu Singh who was initially plaintiff of the said suit. Girja Singh was not made party to the suit because he



died issueless prior to filing of Title Suit No. 55 of 1991. The suit was dismissed on contest. There was absolutely no dispute with regard to Girja Singh at the time of trial. The trial Court while dismissing the suit, has not given any finding as regards the said Girja Singh in the judgment and decree. The learned counsel for the appellant has annexed the certified copy of plaint to this application. It has been submitted that some interpolation has been made in the plaint, in genealogical table. It was mentioned that Jitu Singh has only one son namely Daroga Singh but in the plaint, some addition has been made in genealogical table of the family. In the genealogical table, the word “Girja Singh died in 1980-widow died-Pratima Kumari (minor)” has been mentioned after the word Daroga Singh. These words have been added after filing of the plaint in order to commit mischief and so the petitioner prayed to take action against the person who committed such mischief.

4. The respondents filed rejoinder to the said petition before the Court below. During argument, the respondents did not dispute as regards interpolation made in the genealogical table. The Court below while rejecting the petition of these petitioners, observed that the addition in the genealogical table will not prejudice in any way to the appellant. The certified copy, which is available on record, *prima facie* shows that some interpolation has been made in the plaint



after filing of the suit. The Court below has erred in refusing of expunged the said added words in the genealogical table. The apprehension of learned counsel for the appellant is that someone with intention to take unlawful gain, has made interpolation in the genealogical table.

5. In view of discussion made above, this application is allowed and the addition, as made in the genealogical table, is ordered to be expunged. It is made clear that the said addition in genealogical table cannot be treated as admission of the appellant as regards genealogical table and so it will not be binding on the petitioner. Since the matter relates to interpolation in record in custody of Court below, the same requires enquiry. The Court below is directed to enquire into the matter in administrative side and report the matter to the concerned District Judge for needful.

(Sanjay Kumar, J)

Mahesh/-

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