

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6855 of 2014**

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Ghurhu Ram Son Of Late Nata Ram Resident Of Village - Bodha, P.S. -  
Bihian, District - Bhojpur.

.... .... Petitioner

Versus

1. Bharat Ram Son Of Late Manshi Ram
2. Shio Janam Ram Son Of Bharat Ram
3. Kamal Ram Son Of Bharat Ram
4. Kamta Ram Son Of Bharat Ram
5. Karia Ram Son Of Bharat Ram All Are Resident Of Village - Bodha,  
P.S. - Bihian, District - Bhojpur.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Amrendra Narayan Rai &  
Mr. Sanjay Kumar, Advocates

For the Respondents : Mr. Md. Ataul Haque, Advocate

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

6      21-02-2018                      This application has been filed by the plaintiff of Title  
  
Suit No.16 of 2003 pending before the Court of Additional  
  
Munsif-III, Ara whereby and whereunder the amendment petition  
  
of the petitioner was rejected.

2. Heard learned counsel for the petitioner as well as the  
respondents.

3. By proposed amendment, the plaintiff wants to clarify  
the area of suit land. In course of evidence, the plaintiff examined  
the witnesses. The Advocate Commissioner submitted report as  
regards area of suit land. The plaintiff filed the said amendment  
petition after submission of report by the Advocate Commissioner.



The case is at initial stage of trial and plaintiffs have examined some witnesses. The plaintiff has sought relief for declaration of title and recovery of possession after removing the encroachment. The said amendment appears formal in nature and does not change the nature of the suit. The impugned order refusing to amend the plaint is therefore set aside and this application is allowed. The respondents/defendants are at liberty to file written statement with respect to amended plaint.

4. This application is allowed.

**(Sanjay Kumar, J)**

B.Kr./-

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