

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16673 of 2014

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1. Indu Devi wife of Manoj Kumar
 2. Punam Devi wife of Pawan Kumar
 3. Manoj Kumar Son of Ishwar Chand Sah All Residents of village - Miyachak, Chatti Road, P.S. Nagar, Distt. – Begusarai.

.... Petitioner/s

Versus

Kanhaiya Sah son of Late Bal Govind Sah Resident of village - Miyachak, Chatti Road, P.S. Nagar, Distt. – Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Alok Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 24-08-2018

Petitioners before this Court are plaintiffs of Eviction Suit No.04 of 2012 pending in the Court of Munsif-II, Begusarai. They have filed this application for quashing the order dated 15.05.2014 whereby and whereunder the learned court below refused to amend the plaint.

2. Heard learned counsel for the petitioners and learned counsel for the respondent.

3. It appears that the petitioners filed Eviction Suit against the defendant for their eviction from the suit premises mentioned in schedule-B of the plaint on the ground of personal necessity for starting business. The petitioners counsel in course of preparing the



case detected some clerical mistake in the plaint as regards genealogical table and description of Khata number and plot number and accordingly an amendment petition was filed on behalf of the plaintiffs. The learned court below as per impugned order rejected the said petition.

4. On going through the amendment petition, I find that all the amendments are formal in nature. The petitioners want to make typographical correction in the words as well as Khata and khesara number. The petitioners further want correction in Genealogical Table. By the said amendment, the nature of the suit is not changed and the description of the suit premises remains the same. From the report of learned court below, it appears that the issues have been framed and the case has been fixed for evidence.

5. Considering the above facts and nature of amendment, the impugned order refusing the prayer of the petitioner to amend the plaint is set aside and this writ application is allowed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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