

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1256 of 2016

=====

1. Binda Devi wife of Late Niranjana Thakur
2. Sunita Devi wife of Ram Ganesh Rai Both are resident of Village- Bagaul, P.O.- Maheshwara, P.S.- Babu Barhi, District- Madhubani.

.... Petitioners

Versus

1. Shanti Devi wife of Bholu Rai resident of Village- Andhrathadhi (Andhra Goth), P.O. & P.S.- Andhrathadhi, District- Madhubani.

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Bidhanesh Misra

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 25-04-2018

Heard both sides.

The petitioners filed this Civil Miscellaneous petition against the order dated 13.06.2016 passed in Partition Suit No.252 of 2011 by which the petition for amendment of written statement of the petitioner has been dismissed. The petitioners are the defendants.

The petitioners filed amendment petition for insertion and correction of certain words in para-13, 29, 30 and 31 of the written statement. The petitioners wanted to insert the word “wo”. Similarly wanted to insert word “Anand Rai” in between word “Chandan” and “aaye wo”.

Learned counsel for the petitioners submits that all the amendments are corrective and formal in nature. It would no way



affect the nature of the suit but if the amendment is not allowed, some confusion will remain in the written statement of the petitioners but the learned court below illegally rejected the amendment petition.

Learned counsel for the plaintiff/respondent however could not be able to show that the amendment sought for by the defendant in written statement would any way change the nature of the suit or cause any prejudice to the case of the plaintiff.

Having considered the facts aforesaid, I find that the amendment is of very formal and corrective in nature but learned court below has illegally and erroneously rejected the petition of the petitioners for amendment.

Accordingly, the order dated 13.06.2016 passed in Partition Suit No.252 of 2011 is set aside and this Civil Miscellaneous petition is allowed.

The petitioners are allowed to bring about amendments in the written statement.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2018
Transmission Date	NA

