

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8937 of 2012

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Shri Sitaramjee and Shri Laxmanjee and Shri Hanuman Jee, established in Temple in village-Poktola Bhatwalia through Sewait Mahanth Ram Sunder Das, Chela late Mahanth Ramswaroop Das, resident of Paktola, Tole Bhatwalia, Post Office + Police Station-Dumra, District-Sitamarhi. Petitioner/s

Versus

Ram Chandra Singh son of Late Jagdish Narayan Singh, resident of Morsand. Tole Gayighat, Police Station Runisaidpur, presently resident of Paktola, Tole Bhatwalia, Post Office + Police Station-Dumra, District-Sitamarhi. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Adv.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 30-01-2018

The petitioner before this Court is plaintiff of T.S.

No.69 of 1998 pending before the court below where his petition for amending the plaint was rejected as per order dated 27.08.2009.

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

3. It has been submitted that the petitioner has filed the aforesaid suit for declaration of his title over the land mentioned in schedule-I of the plaint. The amendment petition was filed before the court below which was rejected as per order dated 3rd and 4th February 2006. Against the said order, the petitioner filed Civil Review No. 608 of 2006 which after hearing was allowed by this Court, but one of the amendment relating to plot number as mentioned in schedule of the pliant was refused observing that figure mentioned as 3 was not found



matching with the figure given in the plaint. Subsequently, the petitioner filed another petition praying therein to delete the figure 30 decimal and in place thereof to insert an area 25 decimal. The said prayer has been refused by the impugned order. The petitioner has sought relief for declaration of title with respect to 30 decimal land of plot no. 370 as mentioned in schedule-I of the plaint. Now he wants to reduce the said area by mentioning 25 decimal. The boundary of the said land is not in dispute and so the amendment if allowed will not change the nature of the suit. The amendment appears purely a clerical typing mistake as submitted by the learned counsel for the petitioner.

4. The learned counsel for the respondent on the other hand opposed the prayer of the petitioner, but he concedes that the petitioner only wants to reduce the area from 30 decimal to 25 decimal.

5. The impugned order in the above facts and circumstances, is set aside. The amendment petition of the petitioner is allowed.

6. Accordingly this application stands allowed.

Maresh/-

(Sanjay Kumar, J)

AFR/NAFR	NAFR
CAV DATE	N/A
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