

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8058 of 2015

1. Most. Meera Devi, widow of late Om Prakash Singh,
2. Bhola Singh @ Abhinandan Singh,
3. Kundal Singh @ Kunal Singh,
4. Mamta Kumari,
5. Kutkut @ Samta Kumari,
6. Guriya @ Anu Kumari @ Anu Singh,
7. Buchi @ Juhi Kumari,
all sons and daughters of late Om Prakash Singh.
8. Anil Kumar Singh @ Anil Singh, S/o late Ram Dahin Singh.
all residents of village- Makhdumganj, Parganna- Chirand, P.S.- Chapra
Muffasil, District- Saran.

... .. Petitioner/s

Versus

1. Rajbanshi Sharma,
2. Raj Kishore Sharma,
both sons of Rama Thakur.
both residents of village- Makhdumganj, Parganna- Chirand, P.S.- Chapra
Mufassil, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Adv.
For the Respondent/s	:	Mr. Nagendra Rai, Adv. Mr. Navin Nikunj, Adv. Mr. Koshalendra Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 06-12-2018

Defendants of Title Suit No. 187 of 1996 pending in the court of Munsif-II, Chapra have filed this writ application for quashing the order dated 19.03.2015 whereby and whereunder the learned court below refused to permit the petitioners to amend the written statement filed by the defendant no.1.

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



3. It appears that the plaintiff filed the aforesaid suit for specific performance of contract on the basis of deed of agreement dated 20.06.1995 executed by the defendant no. 1 in favour of the plaintiff. It is said that the defendant no. 1 sold the suit land to the defendant nos. 2 and 3. The plaintiff has prayed to pass a decree for specific performance of contract and also to declare the sale deeds executed by the defendant no. 1 in favour of the defendant nos. 2 and 3 as fraudulent, illegal, void and not binding on the plaintiff. The defendant no. 1 filed the written statement. The defendant nos. 2 and 3 filed another written statement. In both the written statements, in nomenclature portion of 1st page the year of Title Suit No. 187 was wrongly typed as 1986 instead of 1996. The written statement of defendant no. 1 has been marked as Ext.-D on behalf of defendants. The defendant nos. 2 and 3 filed a petition to amend the said figure by mentioning the figure 1996 after deleting the figure 1986. The court below allowed the prayer of the defendant nos. 2 and 3 to amend their written statement but refused to amend the written statement filed on behalf of the defendant no. 1. The defendant no. 1 has not filed any amendment petition to amend the said figure in his written statement. The provision of Order VI Rule 17 CPC is meant for amendment to be made by the parties and none else. The defendant nos. 2 and 3



have no right to seek amendment in the written statement (Ext D) which was filed by the defendant no.1 and so the court below has not committed any jurisdictional error in refusing the prayer of defendant nos. 2 and 3 to amend the written statement of defendant no. 1.

4. In view of above facts, I do not find any illegality in the impugned order. This writ application is accordingly dismissed.

(Sanjay Kumar, J)

mkchy/-

AFR/NAFR	AFR
CAV DATE	N/A
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