

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.465 of 2016

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1. Domai Kushwaha @ Hazari Mahto S/o Late Channu Mahto, resident of Village- Siswaniya, P.S.- Thakaraha, District- West Champaran.

.... Appellant/s

Versus

1. Raja Mahto
2. Rajbanshi Mahto,
3. Dhanai Mahto
4. Mannu Mahto
5. Mohan Mahto, All sons Late Dahadi Mahto, resident of Village- Siswahiya, P.O. - Koiripatti, P.S.- Thakaraha.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Yadav

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 26-06-2018 Heard both sides.

The petitioner has preferred this Civil Misc. against the order dated 02.06.2016 passed by the learned Munsif, Bagaha, West Champaran in Title Suit No. 07/2014, by which the petition for amendment of the plaintiff has been rejected on the ground that earlier petition for amendment was rejected on 30.07.2015.

The learned counsel for the petitioner submits that the plaintiff had filed the petition for correction of plot numbers. The amendment is of very formal in nature. Even if earlier petition of the plaintiff for correction of plot numbers is rejected, the amendment petition should have been allowed, but the learned



Munsif has illegally rejected the amendment petition.

Learned counsel for the respondents, however, supported the order of the learned Munsif, Bagaha, West Champaran, but I find that the suit is at the very initial stage, even the issues have not been framed. The plaintiff has sought for correction of the plot numbers mentioned in Schedule III and the amendment is of very formal nature, but the learned Munsif has committed illegality in dismissing the amendment petition and therefore, the order dated 02.06.2016, in my view, is not sustainable.

Accordingly, the amendment petition filed by the plaintiff is allowed and the order dated 02.06.2016 is set aside.

The present Civil Misc. is allowed.

(Prabhat Kumar Jha, J.)

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