

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15690 of 2013

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1. Triloki Singh S/O Late Ramashish Singh R/O Village - Ukhain Paschimpatti Tola Premhata, P.S. Siwan Muffasil, District - Siwan
 2. Parmakant Singh S/O Late Ramashish Singh R/O Village - Ukhain Paschimpatti Tola Premhata, P.S. Siwan Muffasil, District - Siwan

.... Petitioner/s

Versus

1. Ram Naresh Singh S/O Mahadeo Singh R/O Village - Ukhai, Pargana Bara, P.S. Siwan Muffasil, District - Siwan
2. The State Of Bihar Through Collector Siwan
3. The Collector, Siwan
4. The Circle Officer, Pachrukhi, P.O. Pachrukhi, District - Siwan
5. The Officer In Charge, Siwan Muffasil, P.O. Siwan, District Siwan
6. Ramakant Singh S/O Late Ramashish Singh R/O Village - Ukhain Paschimpatti Tola Premhata, P.S. Siwan Muffasil, District - Siwan
7. Shyama Kant Singh S/O Late Ramashish Singh R/O Village - Ukhain Paschimpatti Tola Premhata, P.S. Siwan Muffasil, District - Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. CHANDRA KANT, Advocate
For the Respondent/s : Mr. S.K.Lal, Advocate
Mr. Ajay Kumar Pandey, Advocate
Mr. Sandeep Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT
Date: 25-10-2018

This application has been filed for quashing the order dated 18.03.2013 passed by Adhoc Additional District Judge-V, Siwan in Title Appeal No.36 of 2004 whereby and whereunder the amendment petition filed by the petitioners to amend the plaint was rejected.

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



3. The suit filed by the plaintiff was dismissed by the learned trial Court against which the appeal bearing No.36 of 2004 was preferred by these petitioners. During the pendency of the appeal, these petitioners filed an amendment petition praying therein to substitute the word 'Gopal' in place of 'Bhola'. As per case of the petitioners, the land in dispute was settled by ex-landlord in favour of their ancestor and in proof of settlement, a Hukumnama was given by the ex-land which was scribed by Gopaljee Lal who was manager of the ex-landlord. In plaint this fact has been mentioned in para-3 of the plaint wherein the name of scribe was inadvertently typed as Bhola Jee Lal. The name of scribe was Gopaljee Lal and not Bholajee Lal. It has been submitted that in course of evidence, the settlement paper was proved by PW-13 who has stated that the Hukumnama was written by Gopaljee Lal and the same was read over in his presence. On the identification of PW-13, the said document was marked as exhibit. This fact has not been denied by the learned counsel for the respondents although he opposed the



submission of the petitioner on the ground that the amendment petition has been filed at belated stage.

4. On going through the pleadings of the petitioners as pleaded in the plaint and evidence of PW-15, I find that the ‘Hukumnama’ was scribed by Gopaljee Lal. The amendment sought for is in consonance with the evidence of PW-13 who was examined by the plaintiff before the court. The said amendment neither changes the nature of the suit nor causes any prejudice to the respondents.

5. In view of above discussions, the impugned order refusing to amend the plaint is set aside and this writ application is allowed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.10.2018
Transmission Date	N/A

