

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8831 of 2013

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Pradip Mandal S/O Late Saudagar Mandal R/O Village- Jai Mangal Tola,
P.O.- Sahu Parbatta, P.S.- Ismilpur, District- Bhagalpur

.... Petitioner

Versus

1. Navi Mandal S/O Late Kallar Mandal R/O Village- Jaimangal Tola,
P.O.- Sahu Parbatta, P.S.- Ismilepur, District- Bhagalpur
2. Sugga Devi W/O Late Shukal Mandal R/O Village- Jai Mangal Tola,
P.O.- Sahu Parbatta, P.S.- Ismailpur, District- Bhagalpur
3. Bideshi Mandal S/O Late Karu Mandal R/O Village- Jai Mangal Tola,
P.O.- Sahu Parbatta, P.S.- Ismailpur, District- Bhagalpur
4. Sikandar Mandal S/O Late Karu Mandal R/O Village- Jai Mangal Tola,
P.O.- Sahu Parbatta, P.S.- Ismailpur, District- Bhagalpur
5. Sitabi Mandal S/O Late Karu Mandal R/O Village- Jai Mangal Tola,
P.O.- Sahu Parbatta, P.S.- Ismailpur, District- Bhagalpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Indeshwari Pd. Mandal, Advocate
For the Respondents : Mr. Rajesh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

7 08-01-2018 This application has been filed to set aside the order dated 04.04.2012 passed by learned Munsif, Naugachhia in Title Suit No.75 of 2008 whereby and whereunder the amendment petition filed by the plaintiff for amending the plaint was rejected.

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

3. The plaintiff filed an amendment petition praying therein to correct some typographical error occurred in para-2, 5 and 12 of the plaint. The petitioner further wants to delete the second sentence of para-19 and add some facts in para-10 of the



plaint. The amendment sought for in paras-2, 5 and 12 are formal in nature which do not prejudice the defendant respondent in any way and, as such, the order refusing to amend the plaint to this extent is not sustainable and is accordingly quashed.

4. So far amendments in paras-10 and 11 of the plaint are concerned, the same relate to addition of new facts and expunging some facts. The amendments change the nature of pleadings as stated in the plaint. The amendment has rightly been refused by the court below as the case is pending for argument I do not find any illegality in the impugned order whereunder the amendment in paras-10 and 11 of the plaint has been refused.

5. In view of above facts, the amendment with respect to paras-2, 5 and 12 are allowed.

This application is accordingly disposed of in the manner as indicated above.

(Sanjay Kumar, J)

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