

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1229 of 2016

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Rajendra Sharma (Tanti)

.... Appellant/s

Versus

Bhageshwar Sharma (Tanti) & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar

For the Respondent/s : Mr. Amar Nath Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

5 16-02-2018

Heard both sides.

The petitioner is aggrieved by the order dated 14.06.2016 passed by learned Sub-Judge-IV, Saharsa in Title Suit No. 61 of 2009.

The learned counsel for the petitioner submits that petitioner filed a petition for correction of plot No. and khata No. mentioned in different paragraphs of the plaint and the amendment would not change the nature of the suit but the amendment petition was rejected holding that the amendment is not at all necessary for determination of real question in controversy between the parties.

The learned counsel for the respondents submits that amendment petition was brought at a very belated stage.

Having considered the submission and on perusal of the order, I find that the amendment is very formal in nature. The plaintiff wanted to correct khata No. of the land mentioned in different paragraphs of the plaint and the amendment certainly would not change the nature of the suit. The amendment itself is corrective in nature and, therefore, I find that the learned Sub-Judge has committed jurisdictional error in not exercising power vested in it by law.



Accordingly, the order dated 14.06.2016 is set aside.
This Civil Misc. petition stands allowed. The amendment petition
is also allowed.

It goes without saying that the defendants shall, if so
advised, may file additional written statement.

(Prabhat Kumar Jha, J)

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