

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1523 of 2016**

Ganesh Prasad Gupta & Ors

... .. Appellant/s

Versus

Deepak Kumar Singh & Ors

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-12-2018 Heard both sides.

The petitioners are the plaintiffs. The petitioners filed this Civil Misc. petition against the order dated 30.09.2016 passed in Title Suit No. 154 of 2013 by which learned Sub Judge-II, Saran at Chapra rejected the petition of the petitioners for amendment of plaint.

The learned counsel for the petitioners submits that the plaintiffs sought insertion of paragraph 16 (Ga) after 16 (Kh) that the defendant No. 1 to 7 in collusion with each other have constructed tin shade structure for the purpose for running shop but the learned Sub Judge rejected the amendment petition on the ground that no document showing construction of recent structure on the dispute land has been filed by the plaintiffs. The amendment sought for is formal in nature.

The learned counsel for the respondents tried his best



to support the order but I find that the court is vested with powers under Order VI Rule 17 of the C.P.C. to allow all such amendments which are necessary for determination of dispute between the parties and thus, I find that learned Sub Judge has committed jurisdictional error by rejecting the petition of the petitioners for amendment of plaint.

Accordingly, the order dated 30.09.2016 passed in Title Suit No. 154 of 2013 by learned Sub Judge-II, Saran at Chapra is set aside. The amendment petition of petitioners is allowed. This Civil Misc. petition is, accordingly, allowed.

(Prabhat Kumar Jha, J)

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