

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1026 of 2017

=====

Jagdish Ram, S/o Late Nanhakur Ram, Resident of Village- Suppi, P.O.- Suppi,
P.S.- Makhdumpur, District- Jehanabad.

.... Petitioner

Versus

Arvind Kumar, S/o Late Deva Nand Prasad, Resident of Village- Suppi, P.O.-
Suppi, P.S.- Makhdumpur, District- Jehanabad.

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Rikesh Sinha
For the Respondent/s : Mr. Kishore Kr. Thakur
Mr. Rajesh Kumar
Mr. Braj Kishore Singh

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 24-04-2018

Heard Mr. Rikesh Kumar, learned counsel for the petitioner
and Mr. Kishore Kumar Thakur, learned counsel for the respondent.
The petitioner is the plaintiff.

By the impugned order dated 19.04.2017 passed in T.S. No.
113 of 2010 by learned Sub Judge-I, Jehanabad, by which the learned
Sub Judge-I, Jehanabad rejected the amendment petition of the
petitioner/defendant to delete the word “not” in fourth and fifth line of
Paragraph-6.

Learned counsel for the respondent submitted that
Devanand Prasad was not the son of Nanhaku Ram and Jagrani Devi
and Devanand Prasad was not the brother of defendant Jagdish Ram.
It is submitted that he wanted to delete the word “not” and that will



not change the nature of the suit rather the defendant has admitted the genealogical table appended with the plaint.

Learned counsel for the respondent/plaintiff fairly contended that he has got no objection if the amendment is allowed.

Having considered the submissions of both sides, I find that the learned Sub Judge-I, Jehanabad has committed jurisdictional error in rejecting the amendment petition of the petitioner.

Accordingly, the order dated 19.04.2017 is set aside.

The defendant is allowed to carry on amendment in fourth and fifth line of Paragraph-6 in written statement.

This Civil Miscellaneous petition is allowed.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2018
Transmission Date	NA

