

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.176 of 2018**

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1. Ram Pravesh Singh, Son of Sri Kamli @ Kamleshwari Prasad Singh,  
Resident of Village-Pahsara, Police Station-Naokothi, Via-Manjhaul,  
District-Begusarai.

.... .... Appellant/s

Versus

1. Sri Nand Kishore Singh, Son of Late Kedar Nath Singh, Resident of  
Village-Shyampur, Police Station-Khodawanpur, District-Begusarai  
2. Ramashray Singh  
3. Ramanuj Singh  
4. Ram Priya Singh Sons of Sri Kamli @ Kamleshwari Prasad Singh,  
Resident of Village-Shyampur, Police Station-Khodawanpur, District-  
Begusarai

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Anil Singh

For the Respondent/s : Mr. Ram Sumiran Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**

**ORAL ORDER**

3      27-09-2018

Heard both sides.

The petitioner has filed this Civil Misc. petition to set aside the order dated 06.11.2017 passed by learned Munsif, Manjhaul, Begusarai by which the learned Munsif rejected the petition of the petitioner to allow him to adduce evidence in the light of amendment in the written statement.

The learned counsel for the petitioner submits that petitioner brought amendment in the written statement on 20.11.2015 and the same was incorporated in the written statement but when the petitioner filed petition to allow him to adduce



evidence in the light of amendment the same has been rejected on the ground that petitioner had stated in the amendment petition that amendment is of formal nature and depends on the documents, but it does not mean that petitioner could not adduce any evidence in support of his case.

The learned counsel for the plaintiff/ respondent No.1 submits that several opportunities were given to the petitioner but the petitioner did not adduce any evidence and the petitioner has filed this petition only to delay the disposal of the case.

Having considered the submissions of both sides and on perusal of records, it is admitted that petitioner, who is defendant No.4 in the suit, filed amendment petition and brought certain facts after paragraph 15 in the written statement about the execution of sale deed in favour of Shanti Devi but on the same day the plaintiff also got a sale deed but fraudulently made interpolation in the record of rights with regard to area of the land purchased by the plaintiff. This fact requires to be proved by producing documentary evidence. Therefore, I find that the learned Munsif has committed jurisdictional error by rejecting the petition of the petitioner for allowing him to adduce evidence in support of the amendment brought about in the written statement



and, thus, the order is not sustainable. Accordingly, the order 06.11.2017 passed by learned Munsif, Manjhaul, Begusarai is set aside with condition that defendant No.4 shall adduce all the evidence on four consecutive dates within three months from the date of receipt of this order.

Accordingly, this Civil Misc. petition is allowed.

**(Prabhat Kumar Jha, J)**

BKS/-

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