

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22526 of 2013

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Ram Ekbal Paswan son of Late Chulhai Paswan, resident of Village- Chadhua,
Tola- Barkurwa, P.S. Kudhani, District- Muzaffarpur.

.... Petitioner

Versus

1. Shiv Chandra Sah Son Of Late Kusheshwar Sah Resident Of Village- Chadhua,
P.O. Turki, P.S. Kudhani, District- Muzaffarpur
2. Jai Mangal Sah Son Of Late Jugeshwar Sah Resident Of Village- Chadhua, P.O.
Turki, P.S. Kudhani, District- Muzaffarpur
3. Shankar Sah Son Of Late Jugeshwar Sah Resident Of Village- Chadhua, P.O.
Turki, P.S. Kudhani, District- Muzaffarpur
4. Shaili Devi Wife Of Shiv Chandra Sah Resident Of Village- Chadhua, P.O.
Turki, P.S. Kudhani, District- Muzaffarpur
5. Meera Devi Wife Of Jai Kishore Sah Resident Of Village- Chadhua, P.O. Turki,
P.S. Kudhani, District- Muzaffarpur
6. Bina Devi Wife Of Akhilesh Sah Resident Of Village- Sanvarsa Dih, P.O.
Sanvarsa, P.S. Maniari, District- Muzaffarpur
7. Phool Kumari Devi Wife Of Ajablal Sah Resident Of Village- Chadhua, Tola-
Barkurwa, P.S. Kudhani, District- Muzaffarpur
8. Minta Devi Wife Of Deonath Sah Resident Of Village- Chadhua, Tola-
Barkurwa, P.S. Kudhani, District- Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Respondent/s : Mr. N. Hoda, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT
Date: 13-04-2018

The petitioner has filed this writ application for setting aside the order dated 31.08.2013 passed by the learned Subordinate Judge-VII, Muzaffarpur in Title Suit No.553 of 2008 whereby and whereunder the amendment petition filed by plaintiff to amend the plaint was rejected.

2. Heard learned counsel for the petitioner and the



respondents.

3. The petitioner has filed the aforesaid suit for adjudication of his title and decree for confirmation of possession over the land mentioned in Schedule I and I/A of the plaint. The plaintiff filed an amendment petition for amending several paragraphs of the plaint which after hearing was rejected.

4. The learned counsel for the petitioner submits that due to typing mistake and overlook of conducting lawyer, some mistakes had occurred in the plaint which are necessary to be corrected. By the said amendment, the plaintiff wants to delete some words and figure in paragraphs 1, 7, 13, 14, 16, 17, 20, 21, 22, 23, 25 and 27 of the plaint. He further wants to amend details of land mentioned in Schedule I of the plaint and also the boundary with respect to the disputed land. According to the learned counsel, the said amendment has been filed only to clarify the facts pleaded in the plaint and also to describe the land with correct boundary.

5. The learned counsel for the respondents, on the other hand, submits that by the proposed amendment, the plaintiff wants to withdraw the admission made in the plaint so the said amendment changes the nature of the suit and the same is not maintainable.

6. On going through the amendment petition, I find that as many as 20 amendments have been sought for in the plaint. Most of



the amendments relate to correction of area. The plaintiff further wants to delete the names mentioned in the boundary of each plot and mention names of other persons in the boundary. He further wants to add a new relief with respect to sale deed dated 19.12.2007 executed by defendant no.1 in favour of defendants 2nd party as void and illegal. By the said amendments, the entire disputed land are sought to be changed. The said amendment virtually changes the nature of the suit. It further appears that the evidences of both the parties have been closed and the case is pending for argument. At this stage if such amendments are allowed, it would require further evidence. The court below has rightly rejected the amendment petition.

7. In view of above discussions, I do not find any merit in this writ application and the same is accordingly dismissed.

Harish/-

(Sanjay Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	18.04.2018
Transmission Date	

