

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1116 of 2017

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Nageshwar Poddar Son of Late Sakaldeo Poddar resident of village Basgarha, P.S. Korha, District Katihar.

.... Petitioner

Versus

1. Khagan Poddar Son of Late Deo Sundar Poddar
2. Sanjay Poddar Son of Late Deo Sundar Poddar
3. Gulab Poddar Son of Late Deo Sundar Poddar
4. Ram Sagar Poddar Son of Late Dharmi Poddar
5. Most. Jari Devi Wife of Late Bishundeo Poddar
6. Manoj Poddar
7. Ajay Poddar Both are sons of Late Bishundeo Poddar all are residents of village Basgarha P.S. Korha, District Katihar.
8. Rekha Devi daughter of Late Bishundeo Poddar resident of Sripur, P.S. District Purnea.
9. Bishakha Devi daughter of Late Bishundeo Poddar resident of Sipahi Tola, P.S. K. Hat, District Purnea.
10. Satya Bhama Devi wife of Late Fatkan Poddar
11. Manohar Poddar
12. Vicky Poddar Both are sons of Late Fatkan Poddar
13. Most. Sarita Devi Wife of Late Shambhu Poddar
14. Ranjeet Poddar
15. Kailash Poddar Both are sons of Late Shambhu Poddar
16. Binod Poddar Son of Late Basudeo Poddar
17. Pramod Poddar Son of Late Basudeo Poddar
18. Mahesh Poddar Son of Late Triveni Poddar
19. Mangan Poddar Son of Late Kastrui Poddar
20. Rameshwar Poddar Son of Late Kasturi Poddar
21. Rameshwar Poddar Son of Late Sakaldeo Poddar Respondent No. 10 to 21 are residents of village Basgarha, P.S. Korha, District Katihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 26-02-2018

Heard Mr. Ajit Kumar Singh, learned counsel appearing on
behalf of the petitioner.



The grievance of the petitioner in the present application is to quash the order dated 29.03.2017, passed by Sub Judge-VI, Katihar, in Title Suit No.124 of 2001, by which, the application under Order-VI Rule-17 of the Code of Civil Procedure has been filed by the petitioner to amend the preliminary decree and insert Khata No. 603, Plot No. 605 in the Preliminary decree as well as Schedule-A of the plaint has been dismissed.

Learned counsel for the petitioner submits that the petitioner could not insert Plot No. 605, Khata No.603, Area 08 decimal in the suit. The suit for partition was decreed preliminarily and thereafter the petitioner filed petition for amendment of the plaint as well as preliminary decree. It appears that the petitioner had earlier filed a petition for amendment in preliminary decree to insert plot no. 605, Khata No. 603, Area-04 decimal in Schedule-A of the plaint as well as in the decree and that petition was dismissed on 10.08.2016. The petitioner again filed the petition making same prayer of amendment of decree and Schedule A of the Plaint.

The Order-VI Rule-17 of the Code of Civil Procedure provides that “the Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in



controversy between the parties”.

On perusal of the Order VI Rule 17 of the Code of Civil Procedure, it appears that it does not mean for amendment in the preliminary decree and therefore I find no jurisdictional error or illegality in the order passed by learned Sub Judge-VI, Katihar.

Accordingly, this Civil Miscellaneous petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09-03-2018
Transmission Date	NA

