

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2092 of 2017**

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1. Binod Kumar Mishra Son of late Pramod Chandra Mishra Resident of
Village- Rampurdih, P.S. Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

1. Shailajanandan Mishra
2. Girjanandan Mishra
3. Padmjanandan Mishra All Sons of late Shreenandan Mishra
4. Priyadarshni Devi
5. Ranjana Devi
6. Sunita Devi
7. Binita Devi
8. Manorama Devi
9. Minakshi Devi All Daughters of late Shreenandan Mishra All are
residents of Village- Rampur Dih, P.S. Shahkund, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhishek Anand

For the Respondent/s : Mr.

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

2 23-02-2018 Heard the learned counsel for the petitioner.

The petitioner being aggrieved by the order dated 07.11.2017 filed this civil miscellaneous petition by which the learned Sub Judge II, Bhagalpur allowed the petition of the defendant filed under Order VI Rule 17.

The learned counsel for the petitioner submits that the defendant filed written statement and in para 21 of the written statement, the defendant denied the statement made in para 19 of the plaint and stated that the real fact is that the plaintiff has got



valid right title and interest and possession over the suit land. The defendant now at the time of argument of the plaintiff wanted to delete the word 'plaintiff' and substitute the same with word 'defendant'.

On bare perusal of the written statement and the amendment petition, I find no substance in the argument of the learned counsel for the petitioner. The word plaintiff has wrongly been typed in place of defendant and it is a simple typographical error which the defendant wanted to correct by seeking amendment and the learned Sub Judge has rightly allowed the amendment.

Having considered the facts aforesaid, I do not find any merit in this civil miscellaneous petition. Accordingly, the same is dismissed. However, the petitioner may raise the point at the time of final hearing of the case.

(Prabhat Kumar Jha, J)

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