

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.459 of 2018**

**In**  
**CIVIL MISCELLANEOUS JURISDICTION No.115 of 2017**

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Smt. Mridula Devi

... .. Petitioner/s

Versus

Kapildeo Prasad Singh

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Parth Gaurav

For the Opposite Party/s : Mr.

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

4      13-03-2019

Heard Mr. S.S.Dvivedi, learned senior counsel for the petitioner.

The petitioner seeks review of the order dated 30.08.2018 passed in Civil Misc. Jurisdiction No.115 of 2017 by which the order dated 20.10.2016 passed by Sub Judge III, Madhubani in Title Suit No.56 of 2002 is set aside and the amendment petition was allowed.

Learned senior counsel for the petitioner submits that the plaintiff filed petition under Order VI Rule 17 of the C.P.C. for amendment in the plaint and to insert the boundaries of the plots mentioned in the Mahadanama. It is further submitted that in fact, the plaintiff filed the petition for amendment of Mahadanama also. In the Mahadanama, plots are mentioned but their boundaries are not mentioned. The plaintiff wanted to insert the boundaries in Mahadanama as well as in the plaint.

From perusal of order dated 30.08.2018, it appears that this Court held that the plaintiff wanted to mention the boundaries of different plots mentioned in the deed of



agreement but in the deed of agreement to sale, the boundaries of the plots are not mentioned. Order VI Rule 17 of the C.P.C. provides for amendment in the plaint or written statement. On bare perusal of the provisions as contained in Order VI Rule 17 C.P.C., it is crystal clear that the Court is not vested with any power to allow amendment in any document said to have been executed between the parties which is the basis of the suit.

Thus, it goes without saying that Order VI Rule 17 C.P.C. is meant for amendment in the plaint. Any amendment sought in any agreement, the basis of the suit cannot be allowed under Order VI Rule 17 of the C.P.C. Therefore, the order dated 30.08.2018 is meant to allow the amendment in the plaint and not in the agreement to sale executed between the plaintiff and the defendant.

Taking into consideration the facts aforesaid, I do not find any apparent error on the face of the record and with the aforesaid observation, this civil review petition is disposed of.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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