

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.211 of 2018**

1. Manir Khan and Ors son of Late Abbas Khan Resident of Pathanpatti, P.O. Daryapur, Police Station - Harsidhi, District - East Champaran.
2. Reyaz @ Reyaz Ahmad son of Rahimuddin Khan Resident of Barwa, Police Station - Adapur, District - East Champaran.
3. Md. Daud son of Late Murtuza Mian
4. Ali Akhtar son of Md. Daud Both residents of Belbanwa, P.O. P.S. - Motihari Town, District - East Champaran.

... .. Petitioner/s

Versus

Shamsul Hoda son of Late Abdul Ghafoor Resident of Belbanwa, P.O. P.S. Motihari Town, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raghib Hassan, Sr. Advocate
		Ms. Saba Ashfaque, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-07-2022 Heard Mr. Raghib Hassan, learned senior counsel for the petitioner.

The petitioners are defendants in the court below. The petitioners have challenged the order dated 15.01.2018 passed in Title Suit No. 343 of 2016 by which the application dated 19.9.2017 filed by the petitioners to hold an enquiry against the plaintiff/Respondent has been dismissed.

Learned senior counsel for the petitioner submits that respondent filed a title suit No. 343 of 2016 initially against the petitioner Nos. 1 and 2 for declaration of title upon the land described in Schedule 2 and also to hold the action taken by



defendant No. 2/petitioner No. 2 of dispossessing the plaintiff from the land as described in Schedule 3(C) is bad and to put the plaintiff in possession of the same apart from other reliefs. The plaintiff filed an application on 23.08.2016 under Order 39 Rule 1 and 2 CPC and on 28.11.2016 another application under Order 1 Rule 10 (2) CPC was filed by the plaintiff which was allowed and defendant Nos. 3, 4 and 5 were added as defendant in the suit. The contention is that the Respondent made interpolation in the original application filed under Order 39 Rule 1 and 2 CPC by changing the word 'defendant No. 9' to 'defendants'. In that background, the petition dated 19.9.2017 was filed by the petitioner to hold an enquiry and take legal action against the Respondent/Plaintiff, his Advocate and Bench Clerk.

Learned senior counsel further submits that a prayer was made to hold enquiry and to start proceeding under Section 340 of the Cr. P.C. against the Respondent and Ors. but, the same has been dismissed by the learned Sub Judge-14 without appreciating the facts and law in correct legal perspective.

I have heard learned senior counsel for the petitioners and have gone through the impugned order. It appears that the learned court below has taken into consideration the



submissions made by the parties and has come to conclusion that some corrections were made in the petition filed by the Respondent and the petition dated 19.9.2017 is vague and has been filed by the petitioners against the correction of mistakes, and, accordingly, dismissed the same.

I do not find any infirmity in the impugned order warranting interference by this Court.

Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

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