

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.746 of 2018**

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Parshuram Sahni S/o Late Jageshwar Sahni, Resident of Village- Fanda, P.O.-
Gorigama, P.S.- Kajra, District- Muzaffarpur.

... .. Petitioner/s

Versus

Santosh Kumar S/o Jiyalal Sahni, Resident of Village- Rajwara, P.O.-
Musahari, P.S.- Musahari, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate.
For the Respondent/s : Mr. Ramchandra Sahni, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 17-10-2022 Heard learned counsel for the parties concerned.

The petitioner has filed this application aggrieved
by the order dated 9.3.2018 by which amendment sought
by the respondent in the plaint has been allowed.

The respondent Santosh Kumar filed an
application under Section 6 of Hindu Minority and
Guardianship Act, 1956 read with Section 25 of the
Guardian and Ward Act, 1890 for declaration that he is
guardian of his minor son Chandra Shhekhhar Kumar @
Rishi Kumar and also sought his custody who is at present
residing in the house of the petitioner.

The respondent sought amendment in paragraph-5
of the petition by adding certain lines to the effect that on



17.11.2013 the respondent visited the house of the petitioner at village Fanda, P.S. Karja, Distt. Muzaffarpur to take his minor son back with him which was refused by the petitioner who said that they would never hand over the minor child to the respondent.

Learned counsel for the petitioner submits that the proposed amendment is not in the nature of typographical mistake or clerical error and the same will change the nature of the case. The amendment has been brought with an intention to fill up the lacuna.

Learned counsel for the respondent submits that the amendment in petition is formal in nature and will not change the nature of the case. The respondent is natural father of the minor boy Chandra Shekhar Kumar @ Rishi Kumar who is at present in the custody of the petitioner who is maternal grand-father of the minor child.

Taking into consideration the nature of amendment sought by the respondent, I am of the opinion that the same is formal in nature and will not change the nature of the case filed by the respondent.

In view of the aforesaid, I do not find any



infirmity in the impugned order.

Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

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