

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.161 of 2020

Hardeo Sah @ Haridev Sah son of Ram Ekbal Sah resident of Harlakhi, Tola Harne, P.S. Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

1. Gautam Kumar Sah son of Late Ram Babu Sah resident of Harlakhi, Tola Harne, P.S. Harlakhi, District- Madhubani.
2. Brahmdeo Sah son of Ram Ekbal Sah resident of Harlakhi, Tola Harne, P.S. Harlakhi, District- Madhubani.
3. Tulsi Sah son of Ram Ekbal Sah resident of Harlakhi, Tola Harne, P.S. Harlakhi, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Choudhary
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 11-07-2022 The petitioner is aggrieved by the impugned order dated 05.11.2019 passed by learned Munsif – cum – Judicial Magistrate, Benipatti in Title Suit No. 03 of 2018 by which the learned trial court has allowed the amendment application filed by the plaintiff.

The plaintiff has filed a Title Suit for declaration of title and the case of the plaintiff is that the during the pendency of suit bearing Title Suit No. 03 / 2018 the defendants have forcibly dispossessed the plaintiff from the suit land. Accordingly the plaintiff filed an amendment application for amendment in the pleadings bringing on record his dispossession and taking into consideration the subsequent event, the learned trial court has allowed the amendment with cost of Rs. 4,00/-

Learned counsel for the petitioner submits that trial



court has committed illegality by allowing the amendment application inasmuch as the after coming into force the 2002 amendment in the Order 6 Rule 17 of the C.P.C. a proviso has been added that after the commencement of the trial amendment ought not have been allowed by the trial court.

I have heard learned counsel for the parties and gone through the impugned order. From the material on record and the impugned order it appears that during the pendency of the suit the plaintiff has been dispossessed by the defendant and the plaintiff filed an application for amendment in the plaint bringing on record the subsequent events. Accordingly, in my considered opinion, there is no illegality in allowing the amendment application filed by the plaintiff to bring on record the subsequent events. The court below has not committed any material irregularity and / or jurisdictional error in the facts and circumstances of the present case.

Accordingly, this civil miscellaneous application is rejected.

(Anil Kumar Sinha, J)

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