

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.478 of 2018

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Dilip Kumar Singh Son of Late Prithvi Nath Singh, Resident of Village and P.O. Jamuhar, P.S. Dehri District-Rohtas at Sasaram at Present residing, Rahput Colony, Company Sarai, Sasaram, P.S. Sasaram, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. Gopal Narayan Singh and Ors Son of Sri Deo Narayan Singh Resident of Village and P.O. Jamuhar, P.S. Dehri, District-Rohtas at Sasaram.
2. Shashi Bhushan Singh, Son of Sri Dilip Kumar Singh
3. Smt. Madhuri Devi, Wife of Sri Dilip Kumar Singh,
4. Baby, Daughter of Late Prithvi Nath Singh,
5. Reeta, Daughter of Late Prithvi Nath Singh, All Resident of Village and P.O. Jamuhar, P.S. Dehri, District-Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ras Bihari Thakur, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-07-2022 Hear Mr. Ras Bihari Thakur, learned counsel for the petitioner.

The petitioner, who is defendant in suit, has challenged the impugned order dated 15.12.2017 passed by the learned Sub Judge-II, Sasaram, in Title Suit No. 278 of 2002 on the ground that after fifteen years of filing of suit, the amendment sought by the plaintiff/respondent has been allowed.

Learned counsel for the petitioner submits that similar amendment application was filed by the plaintiff which was dismissed for default earlier, and, thereafter, subsequent petition



for amendment has been filed at belated stage, that too, after a lapse of about 15 years from the date of failing of the suit, on the ground that due to clerical mistake and oversight, some facts could not be corrected and included in the plaint. Learned counsel further submits that the same will change the nature of the suit inasmuch as the suit was filed for setting aside the compromise and for specific performance with regard to the two plots.

I have heard learned counsel for the petitioner and have perused the impugned order. The learned trial court while allowing the amendment has come to the conclusion that though the suit is of the year 2002 but the trial has not yet commenced. Learned counsel for the petitioner failed to show before me as to how nature of the suit will change after amendment.

Accordingly, I do not find any illegality and material irregularity in the impugned order.

Thus, this application stands dismissed.

(Anil Kumar Sinha, J)

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