

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.483 of 2018**

1. Rambriksh Kahar Son of Late Ramskal Kahar, Resident of Village-Tamar, Post-Odar, Police Station-Sonhan, District-Kaimur at Bhabua.
2. Prema Devi, Wife of daya Shankar Ram (Kahar Resident of Village-Tamar, Post-Odar, Police Station-Sonhan, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

Kamal Prasad Son of Sri Rajmuni Ram, Resident of Village-Tamar, Post-Odar, Police Station-Sonhan, District Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Verma
For the Respondent/s : Mr. Om Prakash Upadhyay

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 22-09-2022 The petitioners are aggrieved by the order, dated 13.10.2017, passed by learned Sub Judge VIII, Kaimur, at Bhabhua, in Title Suit No. 265 of 2004, by which the amendment in the plaint as well as instrument has been allowed.

Learned Counsel for the petitioners-defendants submits that at belated stage, amendment has been allowed in the plaint, i.e. after closure of evidence of the plaintiff as well as the defendants.

On the other hand, learned Counsel for the respondent-plaintiff submits that the amendment is general in nature for correction of one of the plot numbers in the instrument, i.e. agreement for sale executed by the defendants and despite due diligence, it could not be detected by the



plaintiff that incorrect plot number with respect to plot no. 322 has been mentioned in the agreement for sale by the defendants in the instrument as plot no. 422. He further submits that learned Trial Court while allowing the said amendment has imposed cost upon the plaintiff and has also observed that additional written statement can be filed by the defendants.

I have heard learned Counsel for the parties concerned and taking into consideration the fact that only amendment to the extent of correction in the plot number from 422 to 322 has been allowed and in my opinion, no prejudice shall cause to the petitioners-defendants, if the same is allowed. The amendment in the instrument is also permissible as per Section 26 of the Specific Relief Act.

Accordingly, in order to advance cause of justice, I am not inclined to interfere with the impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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