

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.24 of 2018

Abdul Bahab S/o Abdul Manan Hayul resident of Village- Deurawa, PO
Sitapur, PS Loriya, District West Champaran Petitioner/s
Versus

1. Shashi Kant Prasad Shrivastava
2. Munna Kumar @ Rajani Kant Shrivastava,

Both S/o Late Radha Kant Prasad, both resident of Village- Deurawa, PO
Sitapur, PS Loriya, District West Champaran.

3. Smt. Usha Verma W/o Shashibhushan Kumar Verma D/o Late Radha Kant Prasad, resident of Village- Ghogha, PO Bakulahar, P.S. Gopalpur, District West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-07-2022 Heard learned Counsel for the petitioner.

The petitioner is aggrieved by the order, dated 20.09.2017, passed by learned Munsif, Narkatiyaganj, in Title Suit No. 90 of 2015, by which the learned Court below has allowed the amendment of the plaint sought by the plaintiffs-respondent nos. 1 and 2. The petitioner is the defendant no. 1 in the suit filed for declaration of title over Schedule-II property.

Learned Counsel for the petitioner submits that the plaintiffs filed an amendment application, under Order VI Rule 17 of the C.P.C., for amendment of typographical error in the plaint, which has been allowed by the learned Court below.

In support of his submission, learned Counsel relies upon a decision of this Court, in the case of **Mr. Baijya Nath**



**Sah v. The Govt. of Bihar through the District Collector,
Saharsa and Others**, reported in **2014 (3) PLJR 680**.

I have heard learned Counsel for the petitioner and gone through the impugned order as well as materials available on record.

It appears that the trial of the suit has not yet commenced and the plaintiffs have merely sought amendment of plaint inasmuch as according to the plaintiffs, the amendment has been filed for correcting the typographical error in the plaint. The learned Court below has arrived at the conclusion that the amendment sought by the plaintiffs is simple in nature and will not change the nature of the suit.

In view of the fact that the learned Court below has allowed the amendment after coming to the finding that it will not change the nature of the suit and the amendment sought for is simple in nature for correcting the typographical error, accordingly, I am of the opinion that there is no illegality in the impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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