

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.135 of 2021**

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1. Birendra Prasad Singh @ Birendra Singh @ Birendra Yadav Son of Basropan Yadav Resident of Village - Mishrawalia, Police Station - Navanagar, District - Buxar
 2. Sidhanath Yadav Son of Late Mathura Yadav Resident of Village - Mishrawalia, Police Station - Navanagar, District- Buxar

... .. Petitioner/s

Versus

1. Jang Bihari Choudhary Son of Late Ram Lal Choudhary Resident of Village - Mishrawalia, Police Station - Navanagar, District- Buxar
2. Suryadeo Mishra @ Suraj Kumar Mishra Son of Late Bashistha Mishra Resident of Village - Mishrawalia, Police Station - Navanagar, District- Buxar
3. Shyam Lal Chaudhary Son of Late Neha Choudhary Resident of Village - Mishrawalia, Police Station - Navanagar, District- Buxar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Devi Das Srivastava
For the Respondent/s : Mr.Shree Kant Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 10-10-2022 Heard learned Counsel for the parties concerned.

The petitioners are aggrieved by the order, dated 29.11.2019, passed by learned Munsif, Dumraon, in Title Suit No. 103 of 2018, by which the amendment in the plaint to the extent of plot number has been allowed inasmuch as as per the plaintiff, in stead of plot no. 148, plot no. 48 was typed due to the mistake of the Typist.

Learned Counsel for the petitioners submits that the fact of the matter is that the correction was made by the plaintiff in the plot number before the Sheristedar in the original plaint



and subsequently the amendment petition has been filed, which has been allowed by the impugned order, which is not permissible under the law.

On the other hand, learned Counsel for the plaintiff-respondent submits that the typographical error was corrected by the plaintiff before the plaint was admitted and placed before the Court and all the copies of the plaint were corrected by the plaintiff except the second copy, which was served upon the defendants, the correction was not made and accordingly the plaintiff filed an application before the learned Court below (Annexure-1), in which the prayer has been made that the plot number mentioned in the copy of the defendant as plot no. 48 may be read as plot no. 148.

In view of the aforesaid submission and taking into consideration the nature of the order passed by the learned Court below, in my opinion, the impugned order does not require any interference by this Court.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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