

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.85 of 2018

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Jai Ram Singh Son of Late Nawab Singh, Resident of Village-Sadikpur, P.S.-
Buniyadganj, Distict-Gaya.

... .. Petitioner/s

Versus

1. The Collector, Gaya and Anr
2. The Circle Officer, Manpur Circle, District-gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Respondent/s : Mr. Sajid Salim Khan- SC-25

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-07-2022 Heard learned counsel for the parties concerned.

By the impugned order dated 13.04.2017 the application filed by the appellant/plaintiff under Order 6 Rule 17(1), Rule 10 read with Sections 151 and 153 CPC for amendment of the plaint at the appellate stage has been dismissed on the ground that it cannot be allowed at this later stage and by way of amendment, the appellant/plaintiff sought to bring new facts.

Learned counsel for the petitioner submits that the appellant/plaintiff filed an amendment petition at the appellate stage stating therein that due to typographical error in the plaint, some facts could not be mentioned in paragraphs-4 and 8 of the plaint. Accordingly, amendment in paragraphs 4 and 8 was prayed by adding two paragraphs i.e. Paragraphs 4A and 8A in



the plaint.

On the other hand, learned counsel for the State submits that the suit is for declaration of title and in the application for amendment of plaint, the petitioner has not stated the fact that in spite of due diligence, the plaintiff could not raise the matter before commencement of the trial. He further submits that by way of amendment the petitioner introduced the new facts and changed the boundary and area of the suit land.

Having heard learned counsel for the parties and taking into consideration the fact that no jurisdictional fact regarding due diligence has been stated in the amendment petition and the same has been filed at the appellate stage, accordingly, I do not find any illegality in the impugned order passed by learned lower appellate court and, as such, no interference is required in the impugned order.

Accordingly, this application stand dismissed.

(Anil Kumar Sinha, J)

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