

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1455 of 2018

Bindeshwar Prasad Son of Shree Krishna Dev Prasad, Resident of Village Mauza- Mathiya Zirat Subhash Nagar, Ward No. 16, P.S.- Chhitauni Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. Shree Ajay Kumar Son of Late Chandrika Prasad, Resident of Subhash Nagar Mathiya, P.S.- Chhatauni Motihari, District- East Champaran.
2. Shreemati Bebi Devi @ Bachchi Devi, Wife of Panchu Sah, Resident of Subhash Nagar Mathiya, P.S.- Chhatauni Motihari, District- East Champaran.
3. Shreemati Radha Kumari, Wife of Bindeshwar Prasad, Resident of Subhash Nagar Mathiya, P.S.- Chhatauni Motihari, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-09-2022 The petitioner is the plaintiff in Title Suit No. 497 of 2010, filed for declaration of title and recovery of possession.

The contention of the petitioner is that by the impugned order, dated 01.08.2018, after eight years of filing of the suit, the amendment of written statement brought by the defendant-respondent no. 1 has been allowed and the defendant-respondent no. 1 has been permitted to make necessary correction in the boundary as mentioned in the written statement.

Learned counsel for the petitioner-plaintiff submits that the amendment has been filed after much delay, i.e. after



eight years of the filing of the suit, and as such, the same ought not have been allowed by the learned Trial Court.

I have heard learned Counsel for the petitioner and have gone through the impugned order.

It appears that the amendment sought by the defendant-respondent no. 1 in the written statement is formal in nature and the same has been brought for correction in the boundary mentioned in the written statement, which is corrective in nature. The learned Trial Court has allowed the amendment on payment of cost and in my opinion, no prejudice shall be caused to the petitioner-plaintiff if the amendment is allowed, which is in the nature of correction.

Accordingly, I do not find any merit in this application.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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