

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1198 of 2018

1. Shankar Mahto Son of late Budhu Mahto Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.
2. Smt. Geeta Devi, Wife of Shankar Mahto Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.
3. Sujeet Kumar, Son of Shankar Mahto Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.
4. Ranjeet Kumar, Son of Shankar Mahto Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.
5. Rakesh Kumar, Sons of Shanker Mahto Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.

... .. Petitioner/s

Versus

- 1.1. Smt. Ramdulari Devi Widow of Late Ramdeo Mahto Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.
- 1.2. Shanker Mahto S/o Late Ramdeo Mahto Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.
- 1.3. Anita Devi Widow of Late Bhola Prasad Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.
2. Ramashray Mahto, Son of Late Dharam Chand Mahto Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.
3. Prakash Mahto, Son of late Dharam Chand Mahto Resident of Village Harpur, Pusa, P.O. Pusa, P.S. - Pusa (Tajpur), District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Respondent/s : Mr.Subhash Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

14 04-09-2023

Heard the parties.

2. By the impugned order dated 21.05.2018 passed by the learned Sub-Judge, II, Samastipur in T.S. No. 167/12 / R.N. 1413/18 the learned Judge has rejected the application of the plaintiffs-petitioners for amendment with regard to correction of



year from 1978 to 1971 under Order 6 Rule 17 of the C.P.C.

3. Learned counsel for the petitioner submits that the amendment sought for does not change the nature of the Suit and the evidence of the plaintiff has just began and therefore no prejudice shall be caused to the defendants.

4. Learned counsel appearing for the respondents / defendants submits that earlier also an application for amendment on behalf of the plaintiff was allowed and therefore the present application is not maintainable.

5. I have heard and considered the submission of both the parties.

6. The impugned order dated 21.05.2018 is a cryptic order saying that the nature of the Suit will be changed.

7. In my opinion the impugned order cannot be sustained as the nature of the suit will remain the same and the amendment sought for is just for the change of year from 1978 to 1971 and no prejudice is going to be caused to the defendants.

8. In view of the above, this application is allowed.

9. Accordingly, the impugned order dated 21.05.2018 passed by the learned Sub-Judge, II, Samastipur in T.S. No. 167/12 / R.N. 1413/18 is set aside and the amendment



sought for by the plaintiffs-petitioners vide application dated
29.02.2018 is allowed.

(Sandeep Kumar, J)

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