

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1614 of 2017**

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Ashok Kumar Shaw @ Ashok Kumar Sahu Son of Late Kalika Prasad Shaw

Resident of Mohalla Khilanganj, P.O. and P.S. Sasaram, District Rohtas.

... .. Petitioner/s

Versus

1. Md. Ashfak @ Ashfaque Alam Son of Makbul Ahmad Resident of Mohalla
Jakki Sahid, P.O. and P.S. Sasara, District Rohtas.
2. Radhika Devi Wife of Late Ganja Singh
3. Amar Singh
4. Arvind Singh respondent no. 3 and 4 are sons of Late Ganga Singh
5. Anjana Kumari
6. Ajanta Kumari
7. Asha Kumari respondent no. 5 to 7 are daughters of Late Ganga Singh
respondent nos. 2 to 7 are residents of Mohalla Nooranganj, P.O. and P.S.
Sasaram, District Rohtas.
8. Izhar Hussain
9. Juber Hussain
10. Rizwan Hussain
11. Ershad respondent nos. 8 to 11 are sons of Late Iqbal Hussain @ Iqbal
Ahmad residents of Mohalla Jakki Sahid, P.O. and P.S. Sasaram, District -
Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-09-2023 Heard learned counsel for the petitioner. None
appears on behalf of the respondent no. 1 though notice has
been validly served.



2. Learned counsel for the petitioner is permitted to make necessary correction in Paragraph no. 1 of the petition and prayer portion.

3. The present application has been filed challenging the order dated 23.05.2017 passed by the Sub Judge-V, Sasaram, Rohtas in Title Suit No. 125 of 1996 by which the amendment petition filed by the plaintiff/petitioner under Order 6 Rule 17 has been rejected.

4. It has been submitted by learned counsel for the petitioner that the amendment sought for was necessary for the just decision of the case and amendment sought for is clarificatory in nature. The amendment sought for doesn't change the nature of the suit.

5. In view of the submission of learned counsel for the petitioner and after considering the amendment in question and also the law laid down by Hon'ble Supreme Court in the case of *Life Insurance Corporation of India v. Sanjeev Builders Private Limited AIR 2022, SCC 425*, this application is allowed.

7. The amendment petition dated 29.08.2013 is allowed. The suit is of year 1996. The suit must be decided within a year from the date of communication of this order. The



court below will send a report to this Court after one year and
after decision of the suit.

(Sandeep Kumar, J)

Ranjeet/-

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