

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.475 of 2018**

=====

Haresh Kumar Singh, Son of Late Dargahi Prasad, Resident of Village-Khutahan, Post Office-Khutahan Police Station-Haspura, District-Aurangabad.

... .. Petitioner/s

Versus

1. Sanjay Kumar Singh
2. Nirbhay Kumar Both are Sons of Braj Bhusan Singh.
Both are Residents of Village-Kamalpur Durgapur, Post Office-Khutahan, Police Station-Haspura, District-Aurangabad.
3. Naresh Kumar Singh Son of late Dargahi Prasad, Resident of Village-Khutahan, Post Office-Khutahan, Police Station-Haspura, District-Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate and
Mr. Narendra Kumar, Advocate
For the Respondent/s : Mr. Sunil Kumar Dubey, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

13 17-03-2023 Heard learned counsel for the parties.

This Civil Miscellaneous application has been filed for quashing the Order dated 31.01.2018, passed by the learned Subordinate- Judge Ist, Aurangabad in Title Suit No. 111 of 2006 / 105 of 2009, whereby and where under the learned Court below was pleased to reject the petition dated 23.01.2018 and 25.01.2018 filed by the plaintiff / petitioner Under Order 6 Rule



17 and under Section 151 of the Code of Civil Procedure to amend the plaint and also rejected the petition dated 25.01.2018 for recall the witnesses.

During the argument, learned counsel for the petitioner submits that he is pressing this miscellaneous application only on the point of amendment in line 3 of paragraph no. 9 of the plaint in which due to typographical mistake in place of 02.08.2003 it is typed as 02.08.2006 which requires the correction. He has further submitted that the said correction will not change the nature of the suit and would not cause any prejudice to the defendants / respondents. He further submits that the case is already at the stage of final argument and the petitioner / plaintiff will not lead any further evidence.

Learned counsel for the respondents has no objection of the said prayer to amend the plaint to the aforesaid extent as the same appears to be typographical mistake.

Learned counsel for the parties submits that this case may be disposed of accordingly.

In view of the aforesaid, as consented by the learned counsel for the respondents and in the interest of justice, the petitioner / plaintiff is permitted to amend / correct 02.08.2006 as 02.08.2003 in line 3 of paragraph 9 of the plaint, as prayed



for.

Both the parties are directed to cooperate in the trial
Court for expeditious disposal of the case.

This Civil Miscellaneous Application is, accordingly,
disposed of with the aforesaid directions.

(Sunil Dutta Mishra, J)

Anand Kr.

U			
---	--	--	--

