

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.498 of 2021

=====

Ram Pravesh Yadav Son of Late Fekan Yadav Resident of Village- Jamuawan,
Post- Jamuawan P.S.- Daudnagar, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. Ramjari Kuer (Deleted vide order dated 05-09-2023) Wife of Late Awadh Kumar Singh Resident of Village- Jamuawan, Post- Jamuawan, P.S.- Daudnagar, District- Aurangabad.
3. Rajesh Kumar Son of Late Nawal Kishor Singh Resident of Village- Jamuawan, Post- Jamuawan, P.S.- Daudnagar, District- Aurangabad.
4. Sanjay Kumar Son of Late Nawal Kishor Singh Resident of Village- Jamuawan, Post- Jamuawan, P.S.- Daudnagar, District- Aurangabad.
5. Muni Devi Daughter of Late Nawal Kishore Singh Resident of Village- Jamuawan, Post- Jamuawan, P.S.- Daudnagar, District- Aurangabad.
6. Manju Devi Daughter of Late Nawal Kishore Singh Resident of Village- Jamuawan, Post- Jamuawan, P.S.- Daudnagar, District- Aurangabad.
7. Kaushal Kishore Son of Late Ram Kishore Singh Resident of Village- Jamuawan, Post- Jamuawan, P.S.- Daudnagar, District- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar, Advocate
For the Respondent/s	:	Mr.Saket Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 09-10-2023 Heard the parties.

2. This application has been filed for quashing of the order dated 06.01.2020 passed by learned Additional District and Sessions Judge-VI, Aurangabad in Title Appeal No. 49 of 2012/ 13 of 2018 arising out of Title Suit No. 38 of 2009 by which learned Judge has rejected the application of the plaintiff/petitioner.

3. It has been submitted by learned counsel for the petitioner that due to mistake of the lawyer the amendment



though allowed in the Title Suit is not incorporated in the plaint.

4. Mr. Samrendra Jha, learned counsel appearing on behalf of defendants has submitted that though it was not incorporated but the same has been considered in the judgment of the original court.

5. Considering the aforesaid facts, this Court is of the view that the amendment sought for by the petitioner can also be allowed in the appellate stage and hence, this application is allowed. The impugned order dated 06.01.2020 passed by learned Additional District and Sessions Judge-VI, Aurangabad in Title Appeal No. 49 of 2012/ 13 of 2018 arising out of Title Suit No. 38 of 2009 is hereby quashed.

6. Since the case is at the stage of judgment, this Court directs the court below to proceed further after allowing the amendment and the judgment must be pronounced within two months of the receipt/communication of a copy of this order by the Appellate Court.

7. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

Harsh/

U			
---	--	--	--

