

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.773 of 2022**

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1. Bhanu Bhushan Prasad Singh @ Bhanu Bhushan Singh, Son of Late Ram Sumran Prasad Singh, Resident of Village and P.O.- Sadanandpur, P.S.- Sub-division, Sub-Registry-Ballia, District Begusarai.
2. Dr. Bhibhuti Bhushan Prasad Singh, Son of Late Ram Sumran Prasad Singh, Resident of Village and P.O.- Sadanandpur, P.S.- Sub-division, Sub-Registry-Ballia, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar representing through Collector, Begusarai.
2. The Circle Officer, Ballia Anchal, District- Begusarai.
3. The Circle Officer, Dandari Anchal, District- Begusarai.
4. Sri Lakhana Sada, Son of Late Dwarika Sada, Resident of Village and P.O.- Bank, P.S.- Dandari, Sub Division and Sub Registry- Ballia, District- Begusarai, Pin Code- 851211
5. Sri Sagar Sada, Son of Late Gaibu Sada, Resident of Village and P.O.- Bank, P.S.- Dandari, Sub Division and Sub Registry- Ballia District- Begusarai, Pin Code- 851211
6. Luxman Sada, Son of Late Fagu Sada, Resident of Village and P.O.- Bank, P.S.- Dandari, Sub Division and Sub Registry- Ballia District- Begusarai, Pin Code- 851211

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s           | : Mr. Indu Bhushan, Advocate<br>Ms. Priyanka Kumari, Advocate |
| For the Respondent/s           | : Mr. Suraj Narayan Prasad Yadav, Advocate                    |
| For the respondents no. 4 to 6 | : Mr. Sunil Kumar Yadav, Advocate                             |
| For the State                  | : Mr. Raj Kishore Roy, GP 18                                  |

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

4      24-02-2023                      Heard learned counsel for the parties.

2. This application has been filed against the order dated 21.09.2022 passed in Title Suit No. 39 of 2014 whereby the learned Munsif, Sub-division-Ballia (Begusarai) rejected the petition of petitioners/plaintiffs filed under Order 6 Rule 17 and



under Section 151 C.P.C.

3. Learned counsel for the petitioners submits that some of the amendment sought for are grammatical mistakes in the plaint and if the same is corrected then nature of suit will not change and the learned Court below decline to entertain all the amendment points of the petition without applying the judicial mind which is improper and unjustified.

4. Learned counsel for the petitioners has pointed out that in amendment application dated 29.06.2022 filed in the Court below in proposed amendment after para (iii) the next para stated as (vi) which is typographical mistake and it should be read as (iv).

5. During the argument learned counsel for both the parties have submitted and conceded that in the proposed amendment in paras (i), (ii), (iii), (v), (vi), (vii), (viii), (ix) & (x) are formal in nature and the same would not cause any prejudice to other side and also would not fundamentally change the nature and character of the case and thus the Court below ought to have allowed to incorporate the amendments/corrections. Both the parties have conceded that the paras (iv) and (xi) of the proposed amendment will change the nature of the suit, accordingly, the same cannot be allowed to be amended at this



stage.

6. Learned counsel for the petitioners submits that this case may be disposed of by allowing to amend the plaint as per the proposed amendments except the proposed amendment stated in paras (iv) and (xi) of the said amendment application.

7. Learned counsel for the respondents conceded the said fact and has not objected the aforesaid proposal of the petitioners.

8. Learned counsel for parties submits that they will not lead any further evidence with respect to the said proposed formal amendments.

9. The law is now well settled that the Courts have very wide discretion in the matter of amendment of pleadings but Court's powers must be exercised judiciously and with great care. While deciding applications for amendments the Courts must not refuse bonafide, honest and necessary amendments and should not permit malafide, worthless and/or dishonest amendment.

10. In view of the submission by learned counsel for both the parties, the aforesaid proposed amendments, except the proposed amendment stated in paras (iv) and (xi) of the amendment application, are allowed and the proposed



amendments stated in paras (iv) and (xi) of the amendment application are rejected.

11. Accordingly, this Civil Miscellaneous Application is disposed of. Both the parties are directed to cooperate in disposal of the case.

**(Sunil Dutta Mishra, J)**

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