

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1493 of 2018

Raj Kumar Choudhary S/o late Braj Kant Choudhary Sakin Mauza Kansi, Pergana Bharwara, P.S. Simri, P.O. - Simri, District- Darbhanga, At Present residing at Mohalla Shahganj Benta Avachinagar, P.O. and P.S. D.M.C. Campus, Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. Kumar Birendra S/o Sri Devendra Kumar Sah R/o Mohalla-Imambari, P.O. and P.S. Laherisarai, Distt. Darbhanga .
2. Shyam Nandan Prasad Nand Keolyear S/o late Kamleshwari Prasad Nand Keolyear Resident of Mohalla- Hospital Road, P.O. and P.S. M.M.C. Campus, Laheriasarai, District- Darbhanga.
- 3.1. Dinendra Sharma

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhisek, Advocate
For the Respondent/s	:	Mrs. Archana Sinha Shahi, Advocate Mr. Alok Kumar Shahi, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

7 02-02-2023 Heard learned counsel for the parties.

This Civil Miscellaneous Application has been filed against the order dated 22.11.2017 passed in Title Suit No. 150 / 2003 passed by learned Sub-Judge – II, Darbhanga whereby and whereunder the learned Court below allowed the petition dated 21.11.2017 filed under Order 6 Rule 17 C.P.C.

Learned counsel for the petitioner submits that the petitioner is aggrieved by the observation / finding made in paragraph 2 of the impugned order dated 22.11.2017 in which instead of respondent No. 1 it is written as defendants, which requires correction / modification. The relevant portion of the



said paragraph No. 2 is as follows:-

“..... From perusal of plaint it becomes clear that the entire consideration money has already been paid to the **defendants** and plaintiff has requested the **defendants** to execute sale deed in his favour several times which shows that plaintiff was ready to perform his part of contract.....”

Learned counsel for the respondents, on the other hand, submits that it appears that in paragraph -2 of impugned order there is typing mistake to the effect that instead of “defendant No. 1” it is stated as “defendants” and as such it may be read as defendant no. 1 instead of “defendants”.

In view of the submission of the learned counsel for the parties and on perusal of the impugned order, it appears that instead of defendant No. 1, it is stated as defendants in aforesaid paragraph of the impugned order. Accordingly, the word “defendants” in aforesaid paragraph 2 of impugned order dated 22.11.2017 passed in T.S. No. 150 / 2003 by learned Sub-Judge II, Darbhanga be read as “defendant No. 1”.

With the aforesaid modification in the impugned order, this Civil Miscellaneous Application is disposed of.

(Sunil Dutta Mishra, J)

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