

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1806 of 2019

1. Ramki Devi @ Manki Devi W/o Late Jhalak Prasad Singh @ Late Jhalak Prasad Sinha, Resident of Village and P.O.-Sarai, P.S.-Maner, District-Patna.
2. Sanjay Kumar, Son of Late Jhalak Prasad Singh @ Late Jhalak Prasad Sinha, , Resident of Village and P.O.-Sarai, P.S.-Maner, District-Patna.
3. Amrendra Kumar @ Raju Kumar, Son of Late Jhalak Prasad Singh @ Late Jhalak Prasad Sinha, Resident of Village and P.O.-Sarai, P.S.-Maner, District-Patna.

... .. Petitioner/s

Versus

1. Prashant Kumar Choudhary, Son of Ram Raj Choudhary, Resident of Village-Karwan, P.S. Ara Mufasil, District Bhojpur, at present residing in House No. 186/2/2 Near Govindpur, Dispensary, Housing Colony Galmuri Purbi Singh Bhumi, Jharkhand, Pin Code-831015.
2. Amit Kumar Choudhary, Son of Ram Raj Choudhary, Resident of Village-Karwan, P.S. Ara Mufasil, District Bhojpur, at present residing in House No. 186/2/2 Near Govindpur, Dispensary, Housing Colony Galmuri Purbi Singh Bhumi, Jharkhand, Pin Code-831015.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mahendra Prasad Bhartee
For the Respondent/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-03-2024 This case has come under the heading “To be
Mentioned”.

2. The following order was passed on 18.09.2023
in C. Misc. 1806 of 2019:-

“Heard the parties.

2. This application has been filed for
setting aside the order dated 25.10.2019 passed by
learned Sub-Ordinate Judge-VI, Danapur in Title
Suit No. 416 of 2017.

3. The prayer with regard to the
probate of will by way of amendment cannot be



allowed in the present case. Rest of the amendments can be allowed as they do not change the nature of the suit.

4. In that view of the matter, the following amendments are allowed:-

Proposed Amendments

“1. In cause title page no. 1 before Ram Raj Chaudhary and after both sons of the word "Late" Likewise in verification and affidavit of the plaintiff Late Ram Raj Chaudhary has been typed. The word "Late" before name of Ram Raj Chaudhary from affidavit and verification the plaintiff allowed to be deleted.

2. In plaintiff para 6 in line 4 after Amit Chaudhary before words and the words daughter Sangita Chaudhary and husband Ram Raj Chaudhary" be allowed to be added. At page 11 in genealogy in between names of Prashant Kumar Chaudhary and Amit Kr. Chaudhary the daughter name "Sangita Chaudhary" be allowed to be added.

3. In para no. 5 in line 7 of the plaintiff after Amit Chaudhary the words “and a daughter Sangita Chaudhary” be allowed to be added.”

5. In view of the above, this application is allowed. The impugned order dated 25.10.2019 passed by learned Sub- Ordinate Judge-VI, Danapur in Title Suit No. 416 of 2017 is modified



to the above extent.”

3. It has been pointed out that the order was passed in C. Misc. No. 1806 of 2019 but due to inadvertence, the same has been recorded in C.W.J.C. No. 1806 of 2019.

4. Let the same be corrected and the order dated 18.09.2023 be treated to be passed in C.Misc. No. 1806 of 2019.

5. The order dated 18.09.2023 which was inadvertently recorded in C.W.J.C. No. 1806 of 2019 is hereby recalled.

6. Consigned.

(Sandeep Kumar, J)

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