

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.90 of 2023

1. Shankar Ram @ Shankar Harijan Son of Late Sarju Harijan @ Sarau Ram Resident of Village- Basopali, Post Office- Basopali, Police Station- Siwan Muffasil, District- Siwan.
2. Suman Ram Son of Shankar Ram @ Shankar Harijan Resident of Village- Basopali, Post Office- Basopali, Police Station- Siwan Muffasil, District- Siwan.
3. Sunil Ram @ Manhak Ram Son of Shankar Ram @ Shankar Harijan Resident of Village- Basopali, Post Office- Basopali, Police Station- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

1. Dharmendra Kumar Singh Son of Late Hareram Singh Resident of Village- Renua, Police Station- Hussainganj, at present resident of Village- Basopali Tole Chhapan Tola, P.O.- Baso- Pali, Police Station- Siwan Muffasil, District- Siwan.
2. Smt. Veena Devi Wife of Dharmendra Kumar Singh Resident of Village- Renua, Police Station- Hussainganj, at Present resident of Village- Basopali Tole Chhapan Tola, P.O.- Baso-Pali, Police Station- Siwan Muffasil, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad
For the Respondent/s	:	Mr. Ranjan Kumar Dubey
		Mr. Shashank Kashyap

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

9 31-10-2025 Heard learned counsel for both the parties.

2. The instant Civil Miscellaneous application has been filed for quashing the order dated 19.09.2022 passed by learned Sub Judge-VI, Siwan in Title Suit No. 319 of 2009, whereby the Court below has illegally allowed the amendment in plaint at the argument stage of the suit.

3. Learned counsel for the respondent submits that he,



being the plaintiff has filed Title Suit No. 319 of 2009 for adjudication of his Title on the basis of registered sale deed dated 05.05.1919 and the entire claim is based on the aforesaid sale deed. Learned counsel further submits that due to laches of the concerned advocate, he could not incorporate the boundary as mentioned in the aforesaid sale deed and other amendment which was allowed by the learned Trial Court, is also essential for proper adjudication of this case. However, he admits that some delay has been caused due to inadvertence of the concerned lawyer and the trial is at the fag end. He also submits that he has not to adduce any further evidence on his behalf.

4. Contrary to this, learned counsel for the petitioner submits that after much delay, the proposed amendment has been filed and the same has been allowed which is not permissible in the eye of law.

5. From perusal of the impugned order, it transpires that the Trial Court has held that the aforesaid proposed amendment is essential for proper and complete adjudication of this case and to avoid the future multiplicity and dispute between the parties. For adjudication of any Title Suit the boundaries of suit property are highly required in plaint and it does not change the nature of the suit. However, in this case it



has been amended after much delay.

6. Keeping in view the aforesaid facts, I find that there is no illegality and impropriety in the impugned order and proposed amendment is essential because it is explanatory despite of being filed after much delay.

7. Accordingly, the instant Civil Miscellaneous application stands dismissed and the impugned order is upheld. Further, a cost of Rs. 5,000/- (Rs. Five thousand) is imposed on the respondent due to laches on his part. The above cost shall be payable to the petitioner within a period of one month from the date of receipt/production of this order.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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