

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1773 of 2017

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Kaushal Kishore Singh Son of Late Upendra Narayan Singh Resident of
Village-Kharia, P.S.-Hayaghat, District Darbhanga Petitioner/s
Versus

1. Shambhu Nath Singh and Ors
3. Sanjay Singh.
4. Mirtunjay Singh
5. Shatanjay Singh all Sons of late Raj Kumar Singh All Resident of Village-
Kharari, P.S. hayaghat, District Darbhanga
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Maijorwar
Mr. Kumar Rajeev
For the Respondent/s : None

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

7 17-11-2025 Today, none appeared on behalf of respondent

however learned counsel for the petitioner is present. On
previous dated i.e. on 14.11.2025, also he had not appeared.
Hence, today this case is being heard in absence of counsel for
the respondent.

2. The present Civil Miscellaneous application is filed
against the order dated 23.06.2017 passed by learned District
Judge, Darbhanga in Probate Case No. 24 of 2016 whereby and
whereunder the learned Trial Court has dismissed the petition
dated 23.06.2017 filed on behalf of the petitioner under Order
VI, Rule 17 of the Code of Civil Procedure.

3. Learned counsel for the petitioner submits that
petitioner has filed a petition under Order VI Rule 17 to



incorporate some facts tending to rectify the suit properties on the basis of registered deed of Will dated 26.08.1997. Learned counsel further submits that in the aforesaid case, trial has not been commenced and his petition for amendment has been rejected.

4. After hearing learned counsel for the petitioner, it appears that the aforesaid rectification of suit properties is essential for proper and complete adjudication of this case and to remove any ambiguity as mentioned in the deed of Will dated 26.08.1997 on which the entire claim of the petitioner is based

5. In this circumstance, learned Trial Court is directed to give one opportunity to rectify the aforesaid suit property only in the light of deed of Will dated 26.08.1997, by way of amendment. However, petitioner is not permitted to go beyond the scope of deed of Will dated 26.08.1997.

6. Accordingly, the instant application stands allowed subject to payment of cost of Rs. 5,000/- (five thousand) payable to respondent by 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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