

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.918 of 2023

Binod Kumar S/o Late Dinanath Prasad, Resident of Tari Mohalla, Chitra Gali, Post-Ara, P.S.-Ara Town, Dist-Bhojpur.

... .. Petitioner/s

Versus

1. Shiv Kumar Arora S/o Shri Ganesh Das, Mohalla-Mahadeva Road, Chitratoli Road, Post-Ara, P.S.-Ara Town, District-Bhojpur.
2. Most. Shanti Devi, W/o Late Dinanath Prasad, resident of Tari Mohalla, Chitratoli Gali, Post-Ara, P.S.-Ara Town, District-Bhojpur.
3. Lalu Kumar, S/o Late Dinanath Prasad, resident of Tari Mohalla, Chitratoli Gali, Post-Ara, P.S.-Ara Town, District-Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 04-04-2025

Learned counsel for the petitioner submits that he does not want to press the second prayer made in paragraph 1 of the present petition wherein order dated 24.04.2023 has been challenged and he is only pressing challenge to the order dated 23.03.2023 passed by learned Munsif-II, Bhojpur at Ara in Eviction Suit No. 07 of 2007.

2. Heard learned counsel for the petitioner and I intend to dispose of the present petition at the stage of admission itself.

3.The petitioner is aggrieved by the order dated 23.03.2023 passed by learned Munsif-II, Bhojpur at Ara in



Eviction Suit No. 07 of 2007, whereby and whereunder the trial court allowed the petition filed by the plaintiff for amendment in the plaint.

4. Learned counsel for the petitioner submits that prior to filing of the amendment petition, the plaintiff/respondent has already made correction in the plaint by cutting and interpolating the amount from 2,75,000/- (Two lakhs Seventy Five thousand) to 2,50,000/- (Two lakhs Fifty thousand) and certified copy of the plaint which was issued to the petitioner on 31.08.2021 makes this fact apparent. Learned counsel further submits that the petitioner/defendant has filed an objection petition on 14.09.2022 before the learned trial court under Sections 195 and 340 of the Code of Criminal Procedure. Still, the learned trial court did not take this fact into consideration that the plaintiff/respondent has tampered with the record and even without any order for amendment by learned trial court, plaintiff has amended paragraph 3 of the plaint which he subsequently sought to amend by moving an amendment petition on 19.10.2022. Learned counsel further submits that it is a case of tampering and the learned trial court ought to have taken into consideration and should not have allowed the amendment petition.



5. Perused the records.

6. From perusal of the record it is much apparent that the defendant/petitioner has filed application under Sections 195 and 340 of the Code of Criminal Procedure and learned trial court is already in seisin the matter. So far as allowing the amendment in plaint is concerned, the learned trial court has passed a detailed order having considered the facts and law on this point and recorded its own satisfaction in allowing the amendment and I do not find any infirmity in the impugned order. In so far as the contention of learned counsel for the petitioner that the tampering has not been considered before allowing the amendment, the same could not be the subject matter of consideration at the time of disposal of amendment petition or ground for its refusal which is a separate matter for consideration. In this regard the learned trial court would separately consider the application filed under Sections 195 and 340 of the Code of Criminal Procedure. If the plaintiff/respondent is found to have tampered with the record, then legal action must be taken against him but solely on the ground that this fact was brought to the notice of the learned trial court and it did not take into consideration while passing the order for amendment, the impugned order does not become



bad. Hence, finding no infirmity in the impugned order, the same is affirmed.

7. Accordingly, the present petition stands dismissed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.04.2025
Transmission Date	NA

