

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.186 of 2017

1. Tej Narayan Das
2. Binod Kumar Das. Both Sons of Sri Ayodhya Prasad Das. No. 1 and 2 are Resident of Village-Gangeli, P.S.-Krityanand Nagar, District-Purnea.

... .. Petitioner/s

Versus

- 1.1. Kabita Devi, W/o Rajeev Kumar Mahto and daughter of late Most. Rekha Devi, Resident of Village and P.O. Sri Nagar, P.S. Kritayanand Nagar, District- Purnea, Pin- 854304.
- 1.2. Anita Devi, Daughter of late Most. Rekha Devi and W/o of Navin Kumar Singh @ Mehata Resident of Bansgarh, P.S. Korha, P.O.- Korha, District- Katihar, Pin- 854108.
2. Pawan Kumar Singh, Son of Late Birendra Singh, grabd-son of Late Parnu Mahto. Nos.1 and 2 are Resident of Village-Gangeli, P.S.-Krityanand Nagar, P.O.-Gangeli, District-Purnea.
3. Rajeev Kumar Mahto, Son of Sri Kalanand Mahto, Son-in-law of Most. Rekha devi Resident of Village and P.O.-Sri Nagar, P.S.-Krityanand Nagar, District-Purnea.
4. Ranjana devi, W/o Late Abhay Kumar Singh, Resident of Village-Gangeli, P.S.-Krityanand Nagar, P.O.-Gangeli, District-Purnea.
5. Pramod Singh, Son of Late Sohan Das, Resident of Village-Gangeli, P.S.-Krityanand Nagar, P.O.-Gangeli, District-Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anish Chandra Sinha, Advocate
For the Respondent/s	:	Mr. Ravi Bhushan Prasad, Advocate
		Mr. Vijay Prakash Bhargava, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 14-07-2025

Heard the learned counsels for the petitioners as well as learned counsel for the respondents and I intend to dispose of the present petition at the stage of admission itself.

02. The petitioners are aggrieved by the order dated 05.12.2016 passed by the learned Sub Judge-III, Purnea in Title Suit No. 253 of 2012 whereby and whereunder the amendment



application filed by the plaintiffs/petitioners under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short 'the Code') has been rejected.

03. Though the learned counsel for the petitioners vehemently contended that the order impugned is not sustainable, I do not find any force in this argument, for the reason that the amendment sought by the plaintiffs was completely vague. The amendment sought is reproduced for reference:

“(A) In Page No. 8 after end of Para-11 add Para “11(1) that it is submitted that recently it has been learnt that defendant 2nd party namely Rajeev Kumar Mahto and Chandan Mehta in collusion with each other has forcibly obtained thumb impression of Defendant No. 1 subsequent to the filing of the above mentioned Suit” to be lamented.”

04. Now, bare reading of this amendment shows that the plaintiffs/petitioners want to insert new paragraph-11(1) after paragraph-11 with the averment that the defendant no.2 and one Chandan Mehta forcibly obtained the thumb impression of defendant no.1 subsequent to filing of the suit. Without mentioning anything about thumb impression being taken on any document pertaining to the suit or what is the relevance of this statement, the amendment application of the



plaintiffs/petitioners does not deserve any consideration and the same has been rightly rejected by learned trial court. Though learned counsel for the petitioners submits that the amendment has been sought in the light of written statement filed on behalf of defendant no. 1 wherein she has stated about defendant no. 2 obtaining her left thumb impression fraudulently on some stamp paper, the same could not be taken as the statement of the plaintiffs unless the plaintiffs amend their plaint to bring the said fact on record and without any statement/averment being made in the amendment application to connect the amendment with the statement of the written statement, the amendment sought to be incorporated is completely vague and frivolous.

05. In the aforesaid facts and circumstances, finding no infirmity in the impugned order dated 05.12.2016, the same is affirmed.

06. Accordingly, the present petition stands dismissed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2025
Transmission Date	NA

