IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 1140 of 2025

Achintya Kumar Sarkar, aged about 60 years, son of late Shishir Kumar Sarkar, resident of Village Kujju, P.O Kujju, PS. Mandu District Ramgarh, Jharkhand **… Petitioner**

Versus

1. Mahesh Singh, Son of Late Sarju Singh, Resident of Village Charhi, P.O. & P.S. Charhi, District Hazaribagh, Jharkhand
2. Satyendra Singh, Son of Late Sarju Singh, resident of Village Charhi, P.O &PS Charhi, District Hazaribagh, Jharkhand
3. Sailendra Singh, Son of Late Sarju Singh, resident of Village Charhi, P.O &PS Charhi, District Hazaribagh, Jharkhand
4. Smt. Lalita Devi, wife of Sri Ranjit Kumar Singh, resident of Village Charhi, P.O &PS Charhi, District Hazaribagh, Jharkhand
5. Sri Ranjit Kumar Singh, son of Raj Kumar Singh, resident of Village Charhi, PO &PS Charhi, District Hazaribagh, Jharkhand.

... **Opposite Parties**

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Ankit Vishal, Advocate
For the Opp. Parties : Mr. Sandeep Verma, Advocate

03/15.12.2025:

1. The instant civil misc. petition has been filed by the plaintiff for setting aside the order dated 08.10.2025 by which the petition for amendment filed by the petitioner under Order VI Rule 17 read with Section 151 of CPC has been rejected for incorporating the following proposed amendments:

> "A. That in relief portion after relief (ii) new relief (ii a) & (ii b) may be allowed to be incorporated and as follows :
>
> (i) Be it declared that Mutation case no. 127 / 2020-21 in the name of Defendant no. 4 is *ab initio* void, illegal and the same is not binding upon the Plaintiff
>
> ii. Be it declared that Mutation case no. 124/1920-21 in the name of Defendant no. 5 is *ab-initio* void, illegal and the same is not binding upon the Plaintiff.
>
> The petitioner will suffer substantial loss and injury if the proposed amendment will not be allowed

In view of the fact stated above for the interest of justice, it is necessary to grant leave to the petitioner to amend the plaint. It is therefore Pray Your Honour's may be graciously please to grant leave to the petitioner to amend the plaint and for this the petitioner shall ever pray."

2. The proposed amendment has been rejected by the Trial Court on the ground that the mutation orders were not challenged in appeal and revision before the Revenue Authorities.

3. Learned counsel for the petitioner submits that once a Civil Court enters into an adjudication of the matter, the findings of the Revenue Court cannot be binding on the Civil Court. The Revenue Courts are mainly concerned with the collection of land revenue on the basis of the party who is in possession.

4. Since the issue of title is involved in the present case, therefore, the result in the revenue case hardly matters.

5. Learned counsel for the opposite parties has raised no serious objection to the amendment. It is, however, submitted that a direction be given for expeditious disposal of the suit.

6. Having considered the submissions advanced on behalf of both sides, the impugned order is set aside.

7. Learned Trial Court is directed to dispose of the suit as expeditiously as possible, preferably within a period of nine months from the date of receipt/production of copy of this order.

This civil misc. petition is allowed. Pending I.A., if any, stands disposed of.

(GAUTAM KUMAR CHOUDHARY, J.)

Abha/

Uploaded

16.12.2025