

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1529 of 2017

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Satya Nand Sharma S/o Late Raghubansh Ojha, Resident of Village and Post-Khabra, P.S. Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

- 1.1. Mahesh Ram Son of Late Shankar Ram, Resident of Village and Post - Khabra, Police Station - Sadar, District- Muzaffarpur.
- 1.2. Ganesh Ram Son of Late Shankar Ram, Resident of Village and Post - Khabra, Police Station - Sadar, District- Muzaffarpur.
- 1.3. Kiran Kumari Wife of Sita Ram, Resident of Village - Noon Chapra, Post - Makshudpur, Police Station - Minapur, District- Muzaffarpur.
- 1.4. Rupa Kumari Wife of Shyam Ram, Resident of Village - Noon Chapra, Post - Makshudpur, Police Station - Minapur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Niraj Kumar
For the Respondent/s : Mr.

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

10 12-01-2026 Heard learned counsel appearing on behalf of both the parties.

2. The instant Civil Miscellaneous application has been filed for quashing the order dated 23.05.2017 passed by the learned Sub-Judge IX, Muzaffarpur, in Title Suit No. 393 of 2015 whereby and whereunder the Court below allowed the amendment petition dated 05.02.2016 filed by the defendant/respondent with prayer for deletion of the word “Tenant of plaintiffs situated” by which the plaintiff will be highly prejudiced by being denied the opportunity of extracting the admission from the defendant.



3. Learned counsel for the petitioner submits that the petitioner is plaintiff in Title Suit No. 393 of 2015. In the written statement, the defendant/respondent, in the verification page, had categorically admitted that he is a “resident of Village—Paigamberpur Kolhua and at present a tenant of the plaintiff, situated at Village and P.O.—Khabra, P.S.—Sadar, District—Muzaffarpur.” Subsequently, the defendant sought amendment of the written statement by deleting the words “at present tenant of the plaintiff,” which amendment has been allowed by the impugned order. By virtue of the said order, the clear admission earlier made by the defendant/respondent stands withdrawn, thereby causing serious prejudice to the petitioner.

4. Contrary to the aforesaid submissions, learned counsel for the defendant/respondent contends that the present case is a Title Suit and not an Eviction Suit. It is further submitted that the amendment pertains only to the verification portion of the written statement and not to the pleadings contained therein. Moreover, even assuming the said statement to be an admission, it is merely an admission of being a tenant of the plaintiff and not an admission of tenancy in respect of the suit property. Hence, no prejudice is caused to the petitioner/plaintiff. Learned Trial Court has rightly held that the



expression “tenant of the plaintiff situated” appearing in the verification clause of the written statement does not amount to an admission, and has further rightly held that allowing the amendment petition would not cause any prejudice to the plaintiff.

5. After going through the entire facts, I find that there is no illegality and impropriety in the aforesaid impugned order hence it is upheld and the instant Civil Miscellaneous application stands dismissed.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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