

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.916 of 2025

Hardeo Tiwari Son of Late Shyamdeo Tiwari, Resident of Village and P.O-
Karwatahi Bazar, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. Ashok Kumar Pandey Son of late Baidyanath Pandey, Resident of Village and P.O.- Karwatahi Bazar, P.S.- Gopalpur, District- Gopalganj.
2. Manoj Tiwari Son of Late Shyamdeo Tiwari, Resident of Village and P.O.- Karwatahi Bazar, P.S.- Gopalpur, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Respondent/s : Mr.

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

2 27-02-2026 Despite issuance of notice, none appeared on behalf
of respondent/defendant.

2. The instant application has been filed for quashing the order dated 11.03.2025 passed in T.S. No. 376 of 2024 passed by Sub-Judge VI, Gopalganj, whereby and whereunder the learned Sub-Judge VI, quite erroneously rejected the petition dated 19.09.2024 which has been filed under Order VI, Rule 17 of Code of Civil Procedure for amendment in plaint due to change of the nature of the land in suit.

3. Learned counsel for the petitioner/plaintiff submits that he has filed Title Suit No. 376 of 2024 for declaration of his right and title over the suit land and also to declare that the sale deed executed by defendant no. 2 in favour of defendant no. 1



be declared as illegal, forged, fabricated and *void ab initio*. He further submits that after filing of the suit, defendant did not appear but he legally disposed the plaintiff for which he has filed a petition for certain amendment in the plaint. He further submits that issue has not been framed till date and it is necessary to amend his plaint for proper and complete adjudication of the suit. The above amendment shall not prejudice the defendant in any manner because up till now W.S. has not been filed.

4. So, keeping in view the aforesaid facts, the proposed amendment in plaint appears to be necessary for proper and complete adjudication of the suit, thus the impugned order dated 11.03.2025 is set aside.

5. Accordingly, the present application stands allowed.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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