

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1205 of 2025**

1. Sunita Devi wife of Panchalal Gupta, resident of village - Majirwankala, Tola Bharpurwa, P.O. Radhaganj, P.S. Phulwariya, District- Gopalganj.
2. Panchalal Gupta, son of Manager Gupta, resident of village - Majirwankala, Tola Bharpurwa, P.O. Radhaganj, P.S. Phulwariya, District- Gopalganj.
- Petitioner/s

Versus

1. Jai Prakash Prasad son of Late Ram Swaroop Gond, resident of village - Kusum Bathua @ Gularbagga, P.O. Songarhwa, P.S. Phulwariya, District- Gopalganj.
2. Achchhelal Prasad @ Ajay Kumar Gond, son of Late Ram Swaroop Gond, resident of village - Kusum Bathua @ Gularbagga, P.O. Songarhwa, P.S. Phulwariya, District- Gopalganj.
- Respondent/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
Mr. Najib Ahmad
For the Respondent/s : Mr.

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

2 06-01-2026 The present Civil Miscellaneous application has been filed for setting aside the order dated 07.07.2025 passed by learned Sub-Judge-I, Hathua Sub Division, Gopalganj in Title Suit No. 313 of 2023 whereby and whereunder petition dated 21.09.2024 filed under Order VI Rule 17 of Civil Procedure Code by the plaintiff respondents for amendment in the plaint has been allowed.

2. Learned counsel for the petitioner submits that the proposed amendment has been allowed by the impugned order without assigning any valid reason.

3. After hearing learned counsel for the petitioner, it



is apparent that the trial has not commenced till date. Although the written statement had already been filed prior to passing of the order allowing amendment and liberty has been granted to the defendant to file an additional written statement with respect to the amended pleadings.

4. From perusal of the proposed amendment and the impugned order, it appears that the petitioner/plaintiff seeks to amend the description of the suit property and to incorporate certain additional particulars relating thereto. Since the trial has not yet commenced, and in order to avoid multiplicity of proceedings and further litigation, there is no legal impediment to allowing the amendment of the plaint at this stage. Moreover, adequate liberty has already been granted to the defendant/petitioner to make all necessary pleadings in the Written Statement with regard to the amended facts.

5. In view of the aforesaid, this Court finds no illegality or impropriety in the impugned order. Accordingly, the same is upheld and the instant application stands dismissed. The defendant shall be at liberty to incorporate the essential facts in the written statement confined to the above amended pleadings in the plaint.



6. Accordingly, the instant Civil Miscellaneous application stands disposed of.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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