

COURT OF SUB-JUDGE, BAKHRI (BEGUSARAI)

Title Suit No.: 242 of 2007

Meera Devi and others versus Ram Udai Mahton and others

13.11.2019 – Today record is put for passing an order on the petition dated 20.08.2018 filed by the plaintiff under Order 6, Rule 17 C.P.C. Copy of the same served to the defendants. Heard both the parties and perused the record. Plaintiff in his petition submits that due to inadvertance of typist some errors in the petition of plaintiff dated 21.05.2018 arose which was rejected as not pressed on 30.07.2018 and since the petition dated 21.05.2018 was rejected as not pressed as such the plaintiff is filing instant petition for amendment of plaint which is most formal in nature and errors cropped up in para 22(a) of the plaint where in 2nd line in stead of word kewala word kenala was typed out. An affidavit in support of this petition is annexed herewith.

Defendant 1st party of the suit filed his rejoinder and submits that the amendment petition filed by the plaintiff is frivolous one, it is important to mention here that previously on 21.05.2018 the plaintiff had filed an amendment petition and subsequently got it rejected as not pressed and now again has filed the amendment petition in question and the plaintiff only with a view to delay the disposal of instant suit and to keep the defendant in perpetual agony adopting such an attitude as well as the amendment has been brought after 10 years and no due diligence has been explained and no cogent reason has been shown for not bringing the amendment earlier and on this score the amendment petition is not maintainable.

Heard both the sides and gone through the materials available on the record as well as petition and rejoinder filed by the parties. It is clear that trial of the suit has not be commenced yet and it is in the intital stage of proceeding. Hence the instant petition filed by the plaintiff dated 20.08.2018 filed by the plaintiff under Order 6, Rule 17 C.P.C. is here-by allowed on a cost of Rs. 250/- payable to the defendant 1st party. Put on the date 17.12.2019 for framing of issues.



Sub-Judge 13.11.19
Bakhri (Begusarai)