

IN THE COURT OF SUB JUDGE-I, JAGDISHPUR

Title Suit Case No.: 208/1997

CIS No.: 208/1997

Date of Order or Proceeding	Order with the Signature of the Court	Office action taken with
03/11/2023	Attendance has been filed on behalf of both the parties and defendant has filed time petition. Case called out, on call, Ld. Advocate of both side appeared. Heard, Ld. Advocate of both side on plaintiff's petition dated 10/10/2023 filed under order 6 rule 17 and section 151 of the Code of Civil Procedure and rejoinder dated 03 /11/2023. Perused the case record. On the Perusal of case record, it transpires that plaintiff has submitted in the said petition that due to the mistake of typist, deed number has been wrongly typed 10153 in place of 10155 and this is a formal defect for which amendment is necessary and required amendment is of formal nature and there will not be any change in the scope of the case and prayed for allowing the said petition. Defendant has opposed the said petition through his rejoinder dated 03/11/2023 and submitted that the petition of plaintiff is not maintainable either in the eye of law or fact. further defendant submitted that plaintiff has also amended his plaint earlier and now the evidence of plaintiff has been closed and defendant's evidence is going on therefore plaintiff has no right to amend the plaint. Further, Ld. Advocate of defendant submitted that due to amendment in deed no., the nature of the case will be changed and defendant has to suffer for economic loss and finally prayed for the dismissal of the said petition. On the perusal of case record, it transpires that this is a case of year 1998 and identified as one of the old case among oldest cases of this court. On the perusal of case record, it also transpires that presently this case is running for the evidence of defendants and meanwhile plaintiff has filed the said amendment petition saying that due to typing mistake, deed number wrongly mentioned 10153 in place of 10155. the correct deed no. is 10155 and said deed has already been exhibited. In the present case, on going through the petition for amendment in the light of averment in plaint as well as in written statement, it is seen that the amendment sought is bonafide and will not change the nature of the claim. Further, this court is satisfied that proposed amendment is necessary for the purpose of determining the real questions in controversy between the parties because the real question between the parties is related to the validity of sale deeds. So, on the basis of above discussion, fact and circumstances of the case and for deciding the real question of issue in this case, it is the opinion of the court that it is just to allow the petition of the plaintiff keeping in view the stage of the case at the cost of Rs. 500/- payable to the defendant. Plaintiff is directed to amend his pleading within statutory period. Further time petition of defendant for producing the witness is allowed at the cost of Rs. 100/- payable to plaintiff and defendant is directed to produce evidence. Put up on 07/11/2023 for defendant's evidence. Sub Judge-I Jagdishpur, Bhojpur at Ara	