

IN THE COURT OF CIVIL JUDGE Jr. Div. JAGDISHIPUR, BHOJPUR.
Santosh Singh & Others v Usha Pradey & others.
Title Suit Case No.250/2022

Order with the Signature of the Court	Office action taken with date
of Order Proceeding 06.06.2026 4	I. Reference: Both parties are on attendance. Record has been produced for hearing and order on the amendment petition dated 15.12.25 filed by the plaintiff U/O VI; R-17 read with section 151 of the C.P.C. for amendment in the plaint. And the record is running on the stage settlement of issue. • The submission of the Ld. counsel for the plaintiff is that the Plaintiffs have filed the present suit against the Defendants seeking the rectification of an error in the recorded *Khata* (holding details) mentioned in the documents. • At the time of filing the suit, due to a typist's error, certain words were typed incorrectly and some were omitted in the plaint; it is necessary to rectify the plaint accordingly. • The proposed amendment to the plaint is merely formal in nature, and allowing it will not alter the nature or scope of the suit. • The amendment is necessary in the interest of justice. • Therefore, by filing this application, the Plaintiffs pray that an order be passed allowing the amendment to the plaint so that justice may be served. The particulars of the proposed amendment are as follows: ➤ That in the plaint, on page 2, paragraph 2, after the words "Santbaks Chaubey," the words "was the only daughter, who was married to Ram Iqbal Dubey; Sant Belas Chaubey had no other issue" be added; and in the same paragraph 2, fifth line, after the words "Suryadev Dubey," the words "and Kedar Dubey, a case was contested wherein the Director, Consolidation Court, Patna, ordered the opening of a *Khata* allocating a 1/3rd share to each, based on which" be added. ➤ That in the plaint, on page 3, third line, after the words "due to an error," the words "under *Khata* 589, *Khesra* 477 (1 acre 7 decimals)" be added; in the fourth line, after the word "Dubey" and before the name, the words "and Kedar Nath Dubey" be added; and in the same fourth line, after the words "came into existence" and before "Kedarnath Dubey," the words "at that time, consolidation proceedings were underway" be added. Further, in the sixth line, the number "684" be struck out and replaced with "685"; and in the eighth line, after the words "took place," the words "which ultimately led to a revision suit" be added. ➤ In the fourth line of Paragraph 3 of the application, after the word "Chakbandi" (consolidation), the following words should be added: "Appeal Case No.



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107/1983-84 was filed before the Deputy Director, Bhojpur, and subsequently, a Revisional Case was filed before the Director, Consolidation, Patna, wherein a combined judgment was delivered for Revisional Cases No. 1233/85 and 1152/85."

- In the third line of Page 4 of the application, the words "ke liye" (for) appearing after the word "pita" (father) should be deleted; and in the fifth line, the word "kiye" (did/executed) should be deleted and replaced with the words "got registered via document numbers 11645 and 11646 dated 08-09-1989."
- In the application, after the second line of Page 5, the following words should be added: "because the Consolidation Court had mentioned the correct *Khata* (holding/account), and neither Brijnandan Dubey nor his heirs had any objection"; and in the sixth line, after the words "kar diya hai" (has done), the following words should be added: "regarding the land which was sold via registered sale deed in favor of the plaintiffs' father."
- In the first line of Page 6, the words "galat dhang se" (wrongly/improperly) should be inserted after the word "jismein" (in which) and before the word "appeal."
- In the second line of Paragraph 8 on Page 6, after the words "hui hai" (has taken place) and before the word "registry," the following words should be added: "the Deputy Collector passed an incorrect order stating that..."
- After Paragraph 8, a new Paragraph 8A should be added with the following text: "The property belonged to the share of Brijnandan Dubey and was purchased by the plaintiffs; Defendants No. 3 and 4 have no concern with it, yet disputes frequently arise because the new survey *Khatian* (record of rights) was erroneously prepared in the names of Defendants No. 3 and 4."
- In the plaint, on page 7, paragraph 10, line 9, the word "humlogon ko" (to us) be struck out and the words "vadigan ko bikri karke va uchit pratiphal prapt karke" (sold to the plaintiffs and received appropriate consideration) be inserted; and in line 11, the word "palis" be struck out and the word "nalish" (suit/plaint) be inserted.
- In the plaint, paragraph 11, line 2, the words "do kita" (two units) be inserted after the word "registry," and the word "dastavej" (document) be inserted after the word "bainama" (sale deed). On page 8, paragraph 12, line 5, the word "viniyit" be struck out and the word "nishchit" (fixed/certain) be inserted.
- In the plaint, page 8, under the relief section (paragraph 1), line 2, the words

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"number 11645 va 11646" be inserted after the word "dastavej" (document). And on page 9, at the beginning of the *kursinama* (genealogy/pedigree), the name "Santvaks Chaubey" be struck out.

- In the plaint, page 10, below the full description of the disputed land, the words "dastavej va 11645 dinank 08-09-1989 द्वारा खारिदी गयी जमीन का विवरण" (details of land purchased via document no. 11645 dated 08-09-1989) be inserted; and in Annexure No. 1, line 7, after the existing boundary description "West-Road and Khesra No. 477, Area 0.31 Decimals," the following words be inserted: "dastavej number 1146 dinank 08-09-1989 द्वारा खारिदी गयी जमीन का विवरण: Mauja-Harigaon, Thana No. 163, Anchal and Thana-Jagdishpur, District-Bhojpur, Khata No. 397."

Per contra, the Defendants has not filed rejoinder therefore they were debarred from filing rejoinder. Defendant No. 3, 4 B and 4 C is proceeding ex-parte in this matter. Defendant No. 4 has appeared and formally opposed the amendment petition, praying for its rejection.

II. Discussion and Findings

I have heard the rival submissions of the parties and carefully perused the materials available on record, including the specific particulars of the amendment.

The proposed amendments primarily seek to:

Clarify the genealogy (kursinama) and specific family details (e.g., adding reference to Ram Iqbal Dubey, Kedar Dubey, etc.).

Rectify specific typographical errors in numbers, dates, and legal terms (e.g., correcting Khata numbers, replacing "palis" with "nalish", replacing "viniyit" with "nishchit").

Incorporate detailed tracking of past consolidation proceedings (such as Appeal Case No. 107/1983-84 and Revisional Cases before the Director of Consolidation, Patna) and registered sale deed particulars (Document Nos. 11645 and 11646 dated 08-09-1989).

Insert paragraph 8A to contextualize the dispute regarding the new survey Khatiyan. It is a settled principle of law that amendments should be allowed liberally if they are necessary to determine the real question in controversy, provided they do not introduce a completely new cause of action or change the fundamental nature of the suit.

In the present case, the suit is at the pre-trial stage (settlement of issues). The proposed amendments merely elaborate upon the existing facts, correct typographic/clerical slips regarding plot/holding numbers, and bring the specific revenue/consolidation record details on record. Allowing these amendments will prevent



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multiplicity of proceedings and ensure substantial justice, without causing any irreparable prejudice to the defendants. The objections raised by Defendant No. 4 can be adequately compensated in terms of costs and by providing an opportunity to file an additional written statement.

III. Order

Consequently, the amendment petition dated 15.12.2025 filed by the plaintiff under Order VI Rule 17 of the C.P.C. is hereby allowed, subject to a cost of ₹500/- (Rupees Five Hundred only) to be deposited by the plaintiff in the Nazarat.

The Plaintiff is directed to pay/deposit the cost and file the amended plaint incorporating all the specified corrections/additions as per petition and serve such amendment plaint to defendant no 3, 4B and 4C through both mode summons and registered summons at once.

Defendants shall be at liberty to file an additional/amended written statement within the statutory period following the receipt of the amended copy of the plaint.

Put up onfor payment of cost, filing of the amended plaint, and further proceedings.


Civil Judge Jr Div. Jagdishpur
Bhojpur