

THE COURT OF MUNSIF, SUB-DIVISIONAL CIVIL COURT, PIRO.**DISTRICT- BHOJPUR AT ARA.**Title Suit No. 02 of 2017

Dharmaveer Bharti

V.

State of Bihar & Ors.

Date of Order or Proceeding	Order with the signature of the court	Office action taken with date
02.09.22	1. Attendance on behalf of both sides has been filed. The present case-record is listed for hearing on a pending petition dated 20.05.2022 filed on behalf of plaintiff under Order 6 R. 17 r/w 151 of the CPC and in its reply, a rejoinder has been filed on behalf of defendant no. 4 on dt. 08.07.2022, while no reply has been given on behalf of rest defendants despite ample opportunities provided to them. 2. On Call, Ld. Counsel on behalf of plaintiff and defendant no. 4 appeared. Both have been heard at length on aforesaid petition. 3. Ld. Counsel on behalf of Plaintiff vide said petition has submitted the record was coming at stage of plaintiff evidence but in the meanwhile, intervener was allowed to be made as a defendant by the learned court. It is further submitted that in the khata no. 435 in lieu of khata no. 485 in the third line of para no. 3 of plaint and khesra no. 437 pertaining to khata no. 485 in lieu of khesra no. 837 in the fourth line of Schedule no. 1 mentioned in page no. 8 have been typed wrong due to mistake of typist which required to be rectified in the interest of justice. Further it has been stated that the amendment is of formal nature which doesn't affect the nature and scope of the case. Plaintiff has stated further that following proposed amendment is required in the plaint which is reproduced in verbatim: - 4. Ld. Counsel on behalf of defendants no. 4 vide his rejoinder dated 08.07.2022 has opposed the petition of the Plaintiff by stating that said petition has been filed at belated stage and liable to be dismissed. Further contended that when intervener defendant has pointed out wrong mention of khata and khesra then plaintiff in order to linger the trial, this petition has been filed to harass the defendants. Further, it has been pointed out that such amendment will change the nature and scope of the plaint as khata and khesra numbers are changing and inter-alia prayed to dismiss the instant petition with heavy cost.	Contd.

Contd..
02.09.22

5. This Court heard both sides at length. Perused the Case Record sincerely. Upon perusal of the same, it transpires that plaintiff has sought proposed amendment in para number 3 of said plaint and Schedule 1 of the plaint and the same is typographical error caused due to natural human mistake which should be allowed so that the suit land may be clarified for proper adjudication of real issues in controversy and further it also does not change the nature of the suit. The said typographical error was discovered by plaintiff when W.S. was filed by defendant no.4 and thus, bona fide mistake on part of plaintiff is apparent. Further Petition under order 6 Rule 17 CPC can be moved at any time as per law. Further in considered opinion of the court, the reason assigned by Plaintiff is well explained and satisfies the condition mentioned in proviso of the Order 6 Rule 17 CPC.

6. Considering the said fact present Petition is allowed at a cost of Rs.500/-with a liberty to Defendants to file additional WS within prescribed period as per law in the light of the present amendment. Plaintiff is further directed to carry out the necessary formality of amendment in the plaint within the statutory period prescribed by law.

Put up on 16.09.2022 for compliance of the order and further proceeding in the case.

By Order

Munsif, Piro.