

IN THE COURT OF CIVIL JUDGE (Jr. Div.), DUMRAON
Present:- Prateek Mishra, Civil Judge (Jr. Div.), Dumraon.
Title Suit No. - 08/2017

Date of Order	Order with initials of the Court	Remarks
<u>05.01.2026</u>	This case is listed today for order on petition dated 01.03.2023 under Order 6 Rule 17 read with Section 151 of CPC. Reply to the petition filed on 12.04.2023 by defendant State of Bihar. On perusal of petition, it is noted that the plaintiff has pleaded that due to clerical mistake some important factual details omitted from entering into plaint. Further, the plaintiff has got repaired comparative map after comparison of old and new map in February 2023. In that light also, amendment in said part is necessary. It is noted that plaintiff is seeking change in para 03, 06, 08, 09, 13 & in schedule-2 of the plaint. It is pleaded that amendment needed for due disposal of the suit in the interest of justice. Defendant State of Bihar filed reply on 12.04.2023 and submitted that petition is not maintainable under law, filed at delayed stage. Defendant will face loss if amendment allowed. Defendant has to file rebuttal of amendment. No merit in the matter and liable to dismissed. It is pleaded that notice under Section 80 is basis of filing of this suit. Entire nature of the suit will change due to proposed amendment. Prayer has been made for dismissal of petition. Perused the records and heard the parties. On perusal of petition, it is noted that proposed amendment is explaining the facts earlier provided in the plaint. Same shall be supportive in due disposal of the suit. It is also noted that suit is still at elementary stage. Issue have not yet framed in the suit. State has not yet filed written statement in the suit. Rather State has been debarred from filing WS on 17.10.2022.	

In view of the above, contention of defendant State regarding proposed amendment is not tenable. At the same time, contention regarding compliance of Section 80 CPC is also not tenable as intension of legislature behind inclusion of Section 80 in Code of Civil Procedure was to ensure that prior intimation ought to be given to the State to appreciate the proposed cause of action in the suit. The proposed amendment does not refer to any new set of fact rather explanatory in the nature.

In view of the above, this Court is of the view that the proposed amendment will not change entire factual premise of the suit. Proposed changes seem necessary for due determination of real issue involved in the suit.

In view of the above discourse, this Court finds that the petition is maintainable, hence allowed under contest with cost of Rs. 500/- to be paid to Nazarat. Vide this order the Court provides opportunity to the State for filing of written statement. Plaintiff is directed to get the plaint amended in the 14 days from the date of order.

List on 22-01-2026 for filing of written statement.

(Prateek Mishra)
Civil Judge (Jr. Div.), Dumraon