

IN THE COURT OF CIVIL JUDGE (Jr. Div.), DUMRAON
Present:- Prateek Mishra, Civil Judge (Jr. Div.), Dumraon.
Title Suit No. - 165/2015

Date of Order	Order with initials of the Court	Remarks
<u>01.07.2025</u>	Case called upon. Counsels for both parties appeared. Ld. Counsel of plaintiff has moved this petition dated 17.01.2024 under Order 6 Rule 17 read with Section 151 CPC wherein he has submitted that due to clerical mistake some wrong factual details entered into plaint and certain important details left behind which are necessary to include. It is pleaded that following amendments be made in plaint:- 1- In Sch. 2 area of khesra 3888 be enhanced from 8 dismil to 16 dismil. Area 7 dismil be added before Khesra 3889. Khesra 2189 area 5 dismil be added. 2- Area of khesra 318 be enhanced to 40 dismil in place of 15 dismil. And Area of khesra 166 be enhanced to 35 dismil in place of 25 dismil. And Area of khesra 170 be enhanced to 38 dismil in place of 35 dismil. Amendment in said part is necessary for due disposal of the suit in the interest of justice. Therefore, necessary amendment are needed for due disposal. Defendant filed reply on 20.03.2024 and submitted that petition is not maintainable under law. So far as plot no. 2189 is concerned, same has already been partitioned in title suit no. 129/1998 which was filed by plaintiff himself. Further, in para 9 of plaint, plaintiff has specified that house of defendant is situated in plot no. 2189. Hence, any such amendment shall be contradictory. In this suit, evidence of plaintiff is completed. Plaintiff is having information that all plots proposed for amendment have been partitioned by Court in title suit no. 124/1998 & 12/2003. This petition is time barred. Plaintiff is trying to enter new facts vide this amendment which is not proper.	

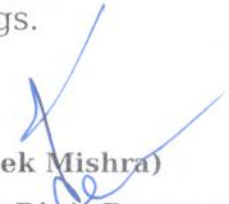
Proposed amendment is containing properties which were part of land under dispute in aforementioned decided cases. Prayer has been made for dismissal of petition.

Perused the records, heard the parties. It is noted that most of the evidence of plaintiff is completed in the suit. Amendment has been filed at delayed stage. At the same time, plaintiff has not clearly explained the reason behind adding land in this plaint which were earlier land under dispute in already decided suit. Further, para 8 of plaint specified that only those part of land provided in this suit which were not given in earlier decided suit. Same is contradictory to present amendment petition. Further para 9 of the plaint suggest that plot no. 2189 is not under dispute. Thus, present amendment petition is also contradictory to said aversion.

It is noted that appropriate explanation is not there in the petition in support of adding more plots of land in existing land under dispute. At the same time, present amendment is contradictory to certain averments of plaint itself.

In view of the above discourse, this Court finds that the petition is not maintainable, hence dismissed under contest without cost.

List on 08.08.2025 for further proceedings.


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