

**Court of Sub-Judge I, Lakhisarai**

**TS 87/2023**

**22-09-2023**

Plaintiff has filed pairvi. Record is put up for hearing and order on petition dated 15-06-2023 U/O 6 R 17 r/w sec. 151 C.P.C. Case was called out.

**ORDER**

Pressing the petition dated 15-06-2023 U/O 6 R 17 r/w sec. 151 C.P.C. learned counsel for the plaintiff has submitted that the plaintiff have filed the suit for declaration of right title over the land of schedule I of the plaint and recovery of position of schedule III land with other relief. That due to typing mistake some error has been left in this plaint in which some word has been left to be type hence for better appreciation of the plaint amendment is necessary. That from the amendment the averment of plaint the plaint will be clear. That the amendment which required is as follows.

- a. At the para 25 at page 12 at fourth line between the word "premises" and the word "and" the word "details given in schedule III of the plaint" be added.
- b. That the relief para 35 of sub para II at third line between the word "land" and the word "by" the " word details given in schedule three of the plaint" be added.
- c. That at schedule I before the "Khata No 108", the word and figure " Mauza Ghosaith, Thana no 72" be added and like wise in same schedule in boundary after the word "North land of school" the word "gifted by plaintiff in same plot" be added and in this schedule last word "road" their after the word" in the same plot their after Tushru Singh" be added.
- d. That after schedule 2, Schedule 3, may be added which is as follows.

**Schedule 3**

**Encroached Land**

Mauza Ghosaith, Thana no 72, Khata no 108, Khasra no 2429 and area 2 Dismil.

North – Gifted Land of school in the same plot.

South Rest 20 dismil land of plaintiff.

East- Defendant and others.

West- Road in the same plot their after Tushru Singh.

e. That the above said amendment are formal in nature in which the nature of plaint will not be changed.

f. That the above said amendment is essential for ends of justice hence it

contunue

22-09-2023 should be allowed and if it will b e not allow the plaintiff w  
suffer from proper justice.  
g. That till today the plaint had not been admitted for gearing/trail hence  
defendant has not been appear in this case till today.

This court has heard the submissions of plaintiff and gone through  
materials available on the case record. It transpires that the instant case  
record is in initial stage and pending for hearing on admission. The  
amendment sought by plaintiff is formal in nature and do not change the  
nature of the case. Further the amendment petition of plaintiff is supported  
with affidavit. In the interest of justice, As such the petition of plaintiff  
dated 15-06-2023 U/O 6 R 17 r/w sec. 151 C.P.C. is hereby allowed. The  
plaintiff is directed to amend the plaint within 14 days from the date of  
passing of this order.

Put up on 02-11-23 for next proceeding.

Dictated