

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 1219 of 2025

1. Butan Sao, aged about 73 years, son of Late Sarath Sao
2. Banarasi Sao, aged about 82 years, son of Late Serath Sao
3. Shital Sao, aged about 46 years, son of Late Mani Sao
4. Bigan Sao, aged about 76 years S/o Late Hiru sao
5. Pannu Sao, aged about 82 years, son of Late Deva Sao
6. Manohar Sao, aged about 77 years, son of Late Bechan Sao
7. Pachan Sao, aged about 72 years, son of Late Bechan Sao

No.1-7, All resident of Village & P.O. Chiru, P.S.- Balumath (now Herhanj), District-Latehar**Petitioner(s)**

Vrs.

1. Kailash Bhuian, son of Late Barhan Bhuian
2. Sohan Bhuian, son of Late Barhan Bhuian
3. Jhari Bhuian, son of Late Kanjru Bhuian
4. Chandar Bhuian, son of Late Meghan Bhuian
5. Pairwa Devi, daughter of Late Meghan Bhuian,

All resident of village & P.O.- Chiru, P.S.- Balumath (Now Herhanj), District- Latehar **Opposite Party(s)**

.....

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner(s) : Mr. Sudhir Kumar Sharma, Advocate

For the O.P.(s) :

02/20.01.2026 The present CMP has been filed for the following relief(s)

“For quashing of the order dated 18.01.2025 (Annexure-4) passed by learned Civil Judge (Junior Division), Latehar, Misc. Civil application Case No. 107/2024, whereby learned Civil Judge (Junior Division), Latehar has dismissed application dated 8.10.2024 filed by Defendants/petitioners under Order-VI, Rule 18, Section 148 & 151 of Code of Civil Procedure (Annexure-3) on the ground that the petition is not maintainable as after delivering judgement the learned court has become functus officio.

AND

Petitioners further prays for passing appropriate order directing the learned Trial court to make correction in Schedule-B of the Decree wherein instead of 127, '126' was wrongly typed, for which plaintiffs/respondents had moved amendment application for rectification of the same under Order VI Rule 17 of the CPC, which was allowed in terms of order dated 7.6.2022 passed in Title Suit No. 22/2009 (Misc. Civil Application No. 19/2019) (Annexuer-1) but same could not be corrected/amended and still exists Schedule-B of the Decree”

2. The admitted position is that the suit has been filed by the plaintiff / opposite party herein. An amendment has been prayed under

Order VI Rule 17 of the C.P.C and accordingly allowed vide order dated 07.06.2022 passed in Misc. Civil application No. 19 of 2019 in connection with Title Suit No. 22 of 2009 by the learned Civil Judge (Jr. Division), Latehar. The operative portion of the order dated 07.06.2022 reads as under:

“Hence, petition is allowed and plaintiff is directed to amend the plaint accordingly within 14 days from the date of order. Accordingly, this petition is disposed off. Put up on 30.06.2022 for argument.”

3. The said amendment has never been carried out.

4. Order VI Rule 18 of the Code of Civil Procedure reads as under:

“Failure to amend after Order.—If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the order, he shall not be permitted to amend after the expiration of such limited time as aforesaid or of such fourteen days, as the case may be, unless the time is extended by the Court.”

5. Thus, it is clear that if the amendment is not carried out within the time frame granted by the Court, then that order stands recalled i.e., there is no amendment in the eyes of law.

6. The trial court has proceeded accordingly and suit has been dismissed. The present petitioner is the defendant

7. In view of the above fact, I find no reason to entertain the present C.M.P., which is accordingly, dismissed.

(Rajesh Kumar, J.)

20.01.2026
A. Mohanty
Uploaded

____/____/2026