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**(2025) 10 JH CK 0062**

**Jharkhand HC**

**Case No:** Civil Miscellaneous Petition No. 206 Of 2025

Bindeshwar Das, S/o  
Parmeshwar Das

**APPELLANT**

**Vs**

Sunita Devi @ Sunita  
Burman, W/O Raj  
Kumar Burman

**RESPONDENT**

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**Date of Decision:** Oct. 16, 2025

**Acts Referred:**

- Constitution of India, 1950 &mdash; Article 227
- Code of Civil Procedure, 1908 &mdash; Order 6 Rule 17

**Hon'ble Judges:** Gautam Kumar Choudhary, J

**Bench:** Single Bench

**Advocate:** Vikram Kumar, Abhishek Sinha, Naresh Kumar, Pran Pranay, Zaid Ahmed,  
Kehkashan Afsheen

**Final Decision:** Dismissed

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### **Judgement**

Gautam Kumar Choudhary, J

1. The petitioner is the defendant 1st party and the instant civil misc. petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 21.09.2024 passed in Original Suit No. 08/2010 (MCA No. 65 of 2024), whereby and whereunder, the following amendments have been allowed.

(i) "Late" word to be added before word 'Parmeshwar' and after word 'of' in the name of father of the defendant no. 1/first party.

(ii) the words "sale deed", to be deleted, and in its place the words "Agreement for sale" to be mentioned as per Ext-2

(iii) That such as, in para 9, of the plaint in between words, "time and" in the 2nd line, the said words to be added" after conclusion of her part performance of contract against the Registered Agreement for sale dated 19.12.2008"

(iv) "plaintiff through", the said words to be added "and/or in favour of her nominee" (Ext-2-page no. 5).

(v) in the last line after word 'Court' by deleting Full Stop (.), the said words to be added "on the necessary cost of the plaintiff" and thereafter this line will be completed on putting full stop.

2. The opposite parties are the plaintiffs who filed the suit for specific performance of an agreement for sale dated 19.12.2008 in which the issues were framed in which the opposite parties entered into appearance and filed their written statement, issues were framed and the case was posted for defence evidence when the petition under Order VI Rule 17 of CPC was filed by the plaintiffs.

3. It is submitted by learned counsel for the petitioner that the trial had commenced and the amendment petition was filed at the belated stage and, therefore, it was barred under proviso to Order VI Rule 17 of CPC. It is also submitted that the defence evidence is on the verge of conclusion.

4. Learned counsel for the opposite parties-plaintiffs has submitted that the proposed amendments are typographical and clarificatory in nature which will cause no prejudice to the defence or will cause no delay in the adjudication of the case.

5. On due diligence, it is submitted that these minor typographical errors were not noticed earlier in the plaint and once found, this instant civil misc. petition has been filed.

6. Having considered the submissions advanced, this Court is of the view that in exercise of extra ordinary supervisory jurisdiction under Article 227 of the Constitution of India, it is not a case for interfering with the impugned order. Learned Trial Court has discussed at length and assigned the reason for allowing the petition. The nature of amendment is formal to correct typographical errors like "removing", pre-fixing "Late" before the name of a party which will not cause any prejudice to the defence.

This civil misc. petition is, accordingly, dismissed with cost.

Pending I.As., if any, stand disposed of.