
(2025) 04 JH CK 1405
In the Jharkhand High Court
Case No : C.M.P. No.204 Of 2024

Basant Ekka

APPELLANT

Vs

Husna Oraon

RESPONDENT

Date of Decision : 28-04-2025

Acts Referred:

Constitution of India, 1950 — Article 227
Code of Civil Procedure, 1908 — Order 6 Rule 17

Citation : (2025) 04 JH CK 1405

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Amitesh Kumar Geasan, Ranjit Kumar

Final Decision : Dismissed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard the learned counsel appearing on behalf of the petitioner as well as the learned counsel appearing on behalf of the Opposite party no.1.
2. Notice upon the rest of the Opposite parties have been made effective, however, they have chosen not to appear and the matter was adjourned further on 10.3.2025, and in view of that, this petition is being heard in absence of the other Opposite parties upon whom the notices have been effected.
3. This petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 28.11.2025 passed by the learned Additional Munsif-XXV, Ranchi in M.C.A. No.103 of 2023 arising out of Original Suit No.1805 of 2019 whereby the petition filed under Order VI Rule 17 CPC dated 08.02.2023 for amendment has been rejected by the learned court.
4. Learned counsel for the petitioner submits that the original suit was instituted for partition of the suit property and in that Order VI Rule 17 CPC petition was filed for adding the plot of the sister of the petitioners and the learned court has

rejected the same. He submits that the learned court has wrongly passed the order and only the land of the sister of both the sides in the original suit was required to be added. He submits that the sister has already left for her heavenly abode and in view of that, the learned court has erred in passing the said order.

5. Learned counsel for the O.P.No.1 submits that now the suit has proceeded further and it has reached to the stage of argument and the learned court has rightly passed the order.

6. Admittedly, the suit was for partition. The sister is not the party in the said partition suit and even her legal heirs/successors are not the party in the partition suit and the land in question was inherited by her from the property of her husband.

7. Thus, in view of that, the learned court has rightly passed the said order by way of not allowing the amendment under Order VI Rule 17 CPC and further the suit is reached to the stage of argument and hence, the Court finds that there is no illegality in the impugned order.

8. Accordingly, this petition is dismissed.

9. Pending petition, if any, also stands disposed of accordingly.