

**IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION**

**R.P.(C) No. 751/2019 in C.A. No.8242/2009**

**ANIRUDH KUMAR SAHU**

**Petitioner(s)**

**VERSUS**

**JHARKHAND STATE HOUSING BOARD AND ORS.**

**Respondent(s)**

**O R D E R**

1. This review petition is filed assailing the judgment dated 9<sup>th</sup> October 2018 whereby the appeal filed by the Jharkhand State Housing Board was allowed by setting aside the judgment and decree dated 26<sup>th</sup> August, 2004 passed by the High Court affirming the concurrent findings of the Courts below. While allowing the appeal this Court has directed to maintain status quo for a period of three months and to avail the remedy available under law, if so advised.
2. This Court has allowed the appeal on the ground that though the plaintiff has sought the relief of injunction, the courts below treating it as a suit for declaration and declared the title of the plaintiff by decreeing the suits. Now the review petition is filed on the ground that suit is for declaration of title but not for injunction and sought for the review of the judgment. In support of the same, he filed application under Order 6 Rule 17 filed before the court below dated 11.02.1998 and order dated 29.04.1998 passed by the trial court allowing the amendment.
3. We have gone through these two documents, the order impugned and the grounds raised in support of the review petition. First both the documents filed by the petitioner will not come to his rescue for the reason, the application dated 11.02.1998 is only an application to amend the plaint but

not the amended plaint. Though the court passed order dated 29.04.1998 allowing the amendment, unless the plaint is amended and filed it cannot be taken into consideration.

4. Order 6 Rule 18 of CPC deals with failure to amend after the application for amendment is allowed by the court. As per the provision party has to amend the plaint within the time prescribed in the order and if no time limit is prescribed then within 14 days from the date of the order. The plaintiff shall not be permitted to amend after 14 days or time fixed by the court as the case may be, unless the time is extended by the court.
5. This court while allowing the appeal had taken into consideration the submission of the review petitioner that the suit is for bare injunction, the counter filed by him and the other material placed before this court and came to the just conclusion that the suit is for mere injunction.
6. We are of the considered opinion that no grounds are made out seeking indulgence of this court to review the judgment and decree dated 09.10.2018. Accordingly review petition is dismissed.

.....**J**

**(N.V. RAMANA)**

.....**J**  
**(MOHAN M. SHANTANAGOUDAR)**

**NEW DELHI;**  
**27TH MARCH, 2019.**

ITEM NO.1001

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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Date : 27-03-2019 This petition was circulated today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

By Circulation

UPON perusing papers the Court made the following  
O R D E R

The Review Petition is dismissed in terms of the signed order.

(VISHAL ANAND)

COURT MASTER (SH)

(RAJ RANI NEGI)

ASSISTANT REGISTRAR

(Signed Order is placed on the file)

