

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1783 of 2020
[@ Special Leave to Appeal (C) No(s). 9313/2018]

PRAMODINI CHOUDHURY

Appellant(s)

VERSUS

KRUSHNA CHANDRA PRATIHARI & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 1784 of 2020
[@ SLP(C) No. 9311/2018]

O R D E R

These two appeals have been filed against the judgment and order dated 31.10.2017 passed by the High Court in C.M.P Nos. 109 of 2017 and 110 of 2017.

The applications for amendment were filed before the Trial Court for amending the plaint as well as the written statement. A copy of the amendment application filed in a suit has been brought on record as Annexure P2 in Civil Appeal No. 1783/2020 arising out of SLP (C) No. 9313 of 2018. The amendments are to the following effect:-

- i. Correction of the year of Registered Sale Deed as "1932" instead of "1931" in para 20(b).

ii. Insert "bearing No. 824" between date, month and year of the registered sale deed in figures and words and before the words "for consideration".

iii. Insert the words "right, title and" between "That the aforesaid Sarat Kumari dasi transferred all her" and "in interest" in para 20(c).

The Trial Court by a separate order dated 01.12.2016 allowed the application of the appellant in so far as the amendment to the written statement is concerned and the respondent who was a plaintiff challenged the said order in the High Court.

The High Court by its impugned judgment although sustained amendments mentioned at Item Nos. i. and ii. but set aside the order of the Trial Court in so far as Item No. iii. is concerned.

The amendments which have been declined by the High Court were only with regard to insertion of the words "right, title and" between "That the aforesaid Sarat Kumari dasi transferred all her" and "in interest".

We are of the view that the amendments were only clarificatory in nature because "in interest" was already there in the pleadings. The High Court in the same amendment application has allowed earlier paras 1 and 2. There was no reason in disallowing the amendment prayed at iii. We, thus, set aside the order of the High Court in so far as amendment at

item No. iii is concerned and maintain the order of the Trial Court.

The appeals are partly allowed to the above extent. The parties, however, shall not be permitted to lead evidence in reference to above amendments.

.....J.
[ASHOK BHUSHAN]

.....J.
[M.R. SHAH]

NEW DELHI;
February 24, 2020.

Corrected

ITEM NO.39

COURT NO.9

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 9313/2018

(Arising out of impugned final judgment and order dated 31-10-2017 in CMP No. 109/2017 passed by the High Court Of Orissa At Cuttack)

PRAMODINI CHOUDHURY

Petitioner(s)

VERSUS

KRUSHNA CHANDRA PRATIHARI & ORS.

Respondent(s)

WITH

SLP(C) No. 9311/2018 (XI-A)

Date : 24-02-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
 HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Shovan Mishra, AOR
 Ms. Aishwarya Surana, Adv.

For Respondent(s)

Mr. Sibor Sankar Mishra, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeals are partly allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)
 AR-CUM-PS

(RENU KAPOOR)
 COURT MASTER

[Signed order is placed on the file]

ITEM NO.39

COURT NO.9

SECTION XI-A

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

Petition(s) for Special Leave to Appeal (C) No(s). 9313/2018

(Arising out of impugned final judgment and order dated 31-10-2017 in CMP No. 109/2017 passed by the High Court Of Orissa At Cuttack)

PRAMODINI CHOUDHURY

Petitioner(s)

VERSUS

KRUSHNA CHANDRA PRATIHARI & ORS.

Respondent(s)

WITH

SLP(C) No. 9311/2018 (XI-A)

Date : 24-02-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Shovan Mishra, AOR
Ms. Aishwarya Surana, Adv.

For Respondent(s)

Mr. Sibor Sankar Mishra, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeals are partly allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)
AR-CUM-PS

(RENU KAPOOR)
COURT MASTER

[Signed order is placed on the file]