

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.1006 of 2022**

1.Parvez Akhtar, aged about 32 years, s/o Late Mursalim Ansari @ Salim Ansari, R/o, Village Pundag, P.O. Pundag, P.S. Jagarnathpur (Pundag OP), District Ranchi, Jharkhand
2.Manjoor Ahmad, aged about 65 years.
3.Mustaque Ahmad, aged about 60 years.
4.Moin Ahmad, aged about 56 years.
5.Sajid Ansari aged about 54 years.
6.Mohasin Ahmad, aged about 51 years.
All s/o Late Sirajuddin Ansari, R/o Village Pundag, P.O. Pundag, P.S. Jagarnathpur (Pundag O.P.), District Ranchi, Jharkhand

..... **... Petitioners**

Versus

1.Tabish Ansari.
2.Zakir Ansari.
3.Aabid Ansari.
1 to 3 all s/o Late Hussain Ansari, all R/o Village –Pundag, P.O. Pundag, P.S. Jagarnathpur (Pundag OP), District Ranchi, Jharkhand.
4.Lal Ambika Nath Shahdeo, s/o Late Narendra Nath Shahdeo, R/o Palkot House, Lake Road, Ranchi, P.O. GPO, P.S. Kotwali, District Ranchi.
5.Sufia Khatoon, d/o Kaushar Ali, w/o Md. Afsar.
6.Md. Afsar, s/o Abdul Hamid.
Both 5 and 6 R/o Rahmat Colony, Doranda, P.O. and P.S. Doranda, District, Ranchi.

.... **.... Opp. Parties**

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioners	: Mr. Ashish Kr. Thakur, Advocate
For the O.Ps.	: None

08/6th December, 2024

1. At the very outset, learned counsel for the petitioner has submitted that though by way of this civil miscellaneous petition, he has prayed for quashing the orders dated 27th May, 2022 and 16th June, 2022 passed in Misc. Civil Application No.125 of 2022 and Misc. Civil Application No.326 of 2022 respectively arising out of O.S. Title Suit No.213 of 2018, whereby the two different amendment applications had been rejected by the learned trial court but he is pressing this civil miscellaneous petition only for the order dated 16th June, 2022 by which second amendment application had been rejected by

the learned trial court.

2. In view of the prayer made by the learned counsel for the petitioner, this civil miscellaneous petition for quashing the order dated 27th May, 2022 passed in Misc. Civil Application No.125 of 2022 is dismissed for not being pressed.
3. So far as the order dated 16th June, 2022 is concerned, this very order was passed by the learned trial court on the second amendment application filed on behalf of the plaintiffs, the learned counsel for the petitioners/plaintiffs has submitted that in the second amendment application, he had sought simply the deletion of two plots numbers and also the area of the same and consequential relief related to them and also the total area of all the plots which would be consequentially decreased also sought to be amended. Inadvertently, one plot number i.e., 2151 was also sought to be corrected as 2152 and this was all amendments sought by the plaintiffs in the second amendment application but the learned trial court has rejected the same on the very ground that first amendment which has been rejected by the learned trial court in that application, very amendment was also part of first application.
4. On behalf of the plaintiffs, the copy of the plaint of Original Title Suit No.213 of 2018 is also made part of this civil miscellaneous petition which is Annexure No.1. This suit is filed by the plaintiffs for declaration of right, title and interest for recovery of possession for permanent injunction and also to declare the settlement void and illegal.
5. From the very details of the property which is given at the foot of the plaint of the schedule is the land situated at village Pundag, P.S. Ranchi now Jagarnathpur, (Pundag O.P.), Thana No.228, District-Ranchi under Khata No.1, R.S. Plot No.2150, 2151, 2152, 2153 and 2340 giving their area separately and also the total areas of these plots is shown 20.32 acres. The boundaries of the property are also shown therein.
6. In the second amendment application itself which is Annexure-3

of this civil miscellaneous petition, the plaintiffs has sought deletion of Plots Nos.2153 and 2340 and also area of these two plots numbers and consequentially decreased total area of the land of all the plots also sought to be rectified and in place of 2151 plot no.2152 is sought to be added.

7. Certainly, this amendment is formal in nature reason being the two plot numbers and area of which has already been given in the plaint itself, same is sought to be deleted for the same the plaintiffs has abandoned his relief. So far as addition of Plot No.2152 in place of Plot No.2151 is concerned, the same cannot be permissible reason being that both Plot Nos.2151 and 2152 are already in the schedule of the property given at the foot of the plaint. From the proposed amendment, the very nature of the plaint is not changed and no prejudice is likely to be caused to the defendants by allowing this amendment application up to the extent of deletion of two plot number and their area and consequential amendment in the plaint itself. It has been submitted by the learned counsel for the petitioner that in Original Title Suit No.213 of 2018 the evidence has not been commenced till date.
8. So far as the impugned order is concerned by which this amendment application has been rejected by the learned trial court on the ground that very first amendment application in which amendment sought in the second application was also sought by the plaintiffs and same had been rejected by the learned trial court on the very ground.
9. **It is the settled law that an order at one stage of proceeding acts as res judicata at all later stages of same proceeding.** The Hon'ble Apex Court in the case of ***Satyadhyan Ghosal vs Smt. Deorjin Debi*** reported in ***AIR 1960 SC 941*** at paragraph 8 has held that an order at one stage of proceeding acts as res judicata at all later stages of same proceeding.
10. **Certainly, the principle of *res judicata* is applicable if in**

the earlier application, the order has been passed by the very Court and the very contents thereof or part contents thereof cannot be taken in the second amendment application. Therefore, the finding given by the learned trial court rejecting this very amendment application vide order dated 16th June, 2022 needs no interference.

11. In view of the above, the impugned order dated 16th June, 2022 passed by the learned Civil Judge (Sr. Division)-II-cum-L.A. Judge, Ranchi in Misc. Civil Application No. 326 of 2022 is hereby confirmed.
12. Accordingly, this civil miscellaneous petition stands disposed of.

(Subhash Chand, J.)

Rohit
AFR