

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15656 of 2014

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Gauri Shankar Tiwary son of Late Ram Ashish Tiwary resident of village Situahi, P.S. Sahebganj, P.O. Karnaul, District Muzaffarpur at present new colony Balughat town Muzaffarpur, P.S. Muzaffarpur Town, District Muzaffarpur. Petitioner.

Versus

1. Namonath Jha Son of Late Madhukant Jha.
2. Smt. Sanju Jha wife of Sri Shambhu Nath Jha Both residents of Mohalla Nazirpur Balughat, Behind M.S.K.B. College, Town Muzaffarpur, P.S. Muzaffarpur Town, District Muzaffarpur.
3. Bhojpuri Kala Vikash Parishad N.G.O. Mohalla Balughat Town Muzaffarpur, P.S. Muzaffarpur Town, District Muzaffarpur.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Abinash Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 10-11-2015

Heard Mr. Sukumar Sinha, the learned senior counsel appearing on behalf of the defendant-petitioner and Mr.Naresh Chanda Verma, the learned counsel for the plaintiff-respondent.

By the impugned order under assail in this application under Article 227 of the Constitution of India, the learned court below has allowed the amendment no.1 and 3 as prayed by the plaintiff in his petition dated 18.07.2014 (Annexure-1) and has turned down the amendment no.2 by which the relief was sought to be added to the effect that in case the relationship of landlord and tenant is not established then the decree for ejectment of defendant from the suit premises be passed on the basis of the

title of the plaintiffs.

Mr.Sinha, the learned senior counsel has submitted that after the amendment no.1 with regard to valuation and payment of court fee has been allowed the plaintiff would definitely lead evidence in support of his claim of title even when the evidence by both the parties have been adduced and the argument of the defendant is closed and the argument of the plaintiffs is going on.

Mr. Verma, the learned counsel appearing for the plaintiff-respondents has categorically stated that the plaintiffs will not lead any further evidence in the suit after the amendment. In view of the aforesaid stand on behalf of the plaintiff-respondent, this Court does not find substance in the submissions on behalf of the defendant-petitioner.

The writ application is, accordingly, dismissed after taking notice of the stand of the learned counsel for the plaintiff-respondent.

(V. Nath, J)

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