

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1766 of 2014

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Saheb Jan Mian & Anr.

.... Petitioner/s

Versus

Alisher Mian & Anr.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 17-12-2015

Heard the learned counsel for the petitioners.

By the impugned order dated 26.11.2013 passed by Sub Judge I, Gopalganj in Title Suit No.33 of 2010, the amendment application filed by the plaintiffs-respondents has been allowed.

The only grievance of the petitioners is that if amendment is allowed, it will affect the right, title of the defendants-petitioners.

From perusal of the impugned order, it appears that Court below found that all the amendments sought for are formal in nature.

It is settled principles of law that the object of Order VI Rule 17 is that the Court should try the merits of the case that come before them and should consequentially allow all amendments that may be necessary for determining the real questions and controversy between the parties provided it does not

cause injustice or prejudice to the other side.

In the present case, since the amendment sought for are minor in nature and there is no reason as to how the defendants will be prejudiced by the said amendment as it is not the case of the petitioners that trial has commenced.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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