

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11697 of 2012

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1. Baliram Sah Son Of Late Ramashankar Sah Resident Of Village & P.O. Bhaishahi, P.S. Manjhagarh, District - Gopalganj

.... Petitioner/s

Versus

1. Kanhaiya Sah Son Of Late Mohan Sah Resident Of Village & P.O. Bhaishahi, P.S. Manjhagarh, District - Gopalganj
2. Baldeo Sah Son Of Late Mohan Sah Resident Of Village & P.O. Bhaishahi, P.S. Manjhagarh, District - Gopalganj
3. Rajkumar Sah Son Of Late Mohan Sah Resident Of Village & P.O. Bhaishahi, P.S. Manjhagarh, District - Gopalganj
4. Vijay Kumar Sah Son Of Late Mohan Sah Resident Of Village & P.O. Bhaishahi, P.S. Manjhagarh, District - Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate

Mr. Vikas Ratan Bharti, Advocate

For the Respondent/s : Mr. Vishwajeet Kr. Mishra, Advocate

Mr. Sanajy Kr. Pandey, Advocate

Mr. Ashutosh Tripathy, Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

10 16-12-2015 Heard learned counsel for the petitioner as well as

learned counsel for the respondents.

2. Though, the petitioner would not have challenged two different orders under one petition relating to two different petitions filed on his behalf for amendment in the plaint during appellate stage by the appellate court, but since the petition has been entertained, has been taken into consideration.

3. With regard to proposed amendment in the prayer portion as advanced vide petition dated 14.02.2011 which has been disposed of by the learned appellate court vide order dated

14.09.2011 happens to be contrary to the pleading as well as the relief so sought for. In likewise manner, the proposed amendment so sought for vide petition dated 15.10.2011 which has been disposed of vide order dated 24.03.2012, as it appears the relief so sought for, is a repetition of the prayer so made vide petition dated 14.02.2011 and on account thereof, the same could not be entertained and rightly rejected by the learned lower court.

4. With regard to proposed amendment relating to deletion of para-9 of the plaint as, in the opinion of the plaintiff-appellant happens to be repetition of paragraph-8, the aforesaid prayer is to be allowed and the order impugned to that extend is set aside.

5. With the aforesaid modification in the order, the instant petition is rejected.

(Aditya Kumar Trivedi, J)

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