

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3056 of 2013

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1. Jahuri Yadav S/O Late Mangal Yadav.
 2. Ramashish Yadav @ Hagan Yadav.
 3. Raja Yadav both S/O Jahuri Yadav all Resident Of Village- Darhiseer, P.S- Chanan, District- Lakhisarai.

.... Petitioner/s

Versus

Sukhdeo Yadav S/O Late Belo Yadav Resident Of Village- Darhiseer, P.S- Chanan, District- Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

6 21-12-2015

Heard the learned counsel for the parties.

The petitioners are aggrieved by the impugned order whereby the prayer for amendment in the written statement has been turned down by the learned court below.

The learned counsel for the petitioners has fairly accepted that that the suit was filed in the year 2000 and the written statement by the defendant-petitioners was filed on 25.03.2003. It has been further accepted that the prayer for amendment was at the stage when the final argument in the suit was going on. The learned counsel for the petitioners could not point out any fact or explanation to establish due diligence on the point of the defendant-petitioners for not seeking the proposed

amendment at any earlier stage in the suit.

The learned counsel for the other side has opposed the prayer and supported the impugned order.

After careful consideration of the matter, it is manifest that the prayer for amendment has been made at the fag end when the final argument was going on in the suit. There is no cogent reason stated in the amendment petition as to why the said prayer for amendment at the earlier stage of the suit was not made. In view of the proviso to Order 6 Rule 17 C.P.C., the learned court below has not committed illegality in rejecting the prayer for amendment after also holding that the same was intended to fill the lacuna in the case. This Court, therefore, is not inclined to interdict the impugned order.

The writ application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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