

Party Name : ABUL KALAM AZAD Vs AMIR HOSSAIN & ANR

---

THE HONBLE MR. JUSTICE S.C.DAS

---

Heard learned counsel, Mr. B. Banerji for the petitioner.

By filing this petition under Article 227 of the Constitution of India, the petitioner challenged order dated 31.07.2015 passed by the learned Civil Judge, Senior Division, Gomati District Udaipur, in Case No. Civil Misc. 49 of 2015, arising out of T.S. No. 06 of 2013.

By impugned order dated 31.07.2015, the trial Court allowed an amendment sought by the respondents, who are the defendants in the Title Suit.

On perusal of the order of the trial Court, I find no infirmity. The amendment has been allowed considering that the defendants propose to bring some new facts, which developed after the trial of the suit commenced. The court rightly passed the order allowing the amendment.

Mr. Bannerji, learned counsel submits that the evidence of the plaintiff is already over and in the event the amendment is allowed the plaintiff should be given scope of filing additional pleadings and evidence in support of the pleadings.

This is obvious. While the amendment is allowed after the trial commenced, the party should be allowed to submit additional pleading and consequential evidence in support of additional pleading.

Subject to above, the Revisional Application is dismissed.