

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10209 of 2015

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1. Lalan Sharma, Son of Late Saryu Sharma, Resident of Village and P.O. Kashap, P.s. Udwant Nagar, District- Bhojpur.

.... Petitioner/s

Versus

1. Smt. Nand Kumari Devi, Daughter of Shyam Sunder Sharma @ Tengari Sharma, wife of Sri Bhagwan Sharma, Resident of Village and P.O. Kashap, P.s. Udwant Nagar, District- Bhojpur. Presently resident of village- Pandey di, P.O. Kumhaila, P.s. Charpokhari, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 25-01-2016

Heard learned counsel for the petitioner.

This application, under Article 227 of the Constitution of India, has been filed against the order dated 14.05.2015, passed by the learned Execution Munsif, Arrah in Title Suit No. 79 of 1993, whereby the court below allowed the amendment filed by the plaintiff regarding the correct number of the plots in the schedule of the plaint.

The only grievance of the defendant-petitioner is that after such a long period, the amendment application has been filed, which indicates the *mala-fide* intention of the plaintiff.

Perused the order passed by the court below. It appears that the court below finding the amendment sought for to

be formal in nature, allowed the amendment application and while allowing the amendment application, awarded cost of Rs.2000/- to compensate the petitioner.

In such view of the matter, since only formal amendment has been allowed, there is no question of injustice is caused to the petitioner nor the court below exercised a jurisdiction not vested in law. It is well settled principle that the court can allow amendment if it is necessary for just decision of the controversy between the parties, at any stage. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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