

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.556 of 2016

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Ashok Kumar Chourasia

.... Appellant/s

Versus

Santosh Kumar Mandal @ Satya Narain Mandal & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 10-08-2016 Heard learned counsel Mr. Ranjan Kumar Dubey for the
petitioner.

Perused the order dated 07.05.2016 passed by
Subordinate Judge-IV, Munger in Title Suit No.40 of 1988.

It appears that the amendment application was filed by
the plaintiff-petitioner seeking for amendment in the plaint
introducing a case of registered gift deed of the year 1987. The
court below considering the facts of the case held that if at this
stage amendment is allowed then it will lead to re-opening of the
trial and there shall be de-novo trial. The court below also held
that so far that registered gift deed is concerned, there is no
question of pleading in the plaint, therefore, earlier the application
for marking gift deed as exhibit had already been rejected and now
by amendment the petitioner is filling of the said lacuna.

In view of the above consideration and reason assigned

by the court below it cannot be said that the order passed by the court is without jurisdiction or it has been passed in the manner not permitted by law.

In my opinion, if the amendment is allowed at the stage of argument then it will cause prejudice to the respondents. Therefore, I find no reason to interfere with the impugned order in supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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