

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.729 of 2016**

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Nilam Devi & Anr

.... Appellant/s

Versus

Ram Shankar Prasad Choudhary & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 28-09-2016

Heard the learned counsel, Mr. Bhupendra Narain Singh
for the petitioners.

Perused the impugned order dated 08.01.2016 passed by
Sub Judge I, Rosera in Title Suit No.5 of 2010 whereby the
learned Court below allowed the amendment application in the
written statement filed by defendant No.1, Sunaina Devi.

Admittedly, as has been admitted by the learned counsel
for the petitioners, still issues have not been framed. The objection
is that behind the back of the petitioner the order has been passed.
However, from perusal of the order dated 08.01.2016, it appears
that the Advocate was present on behalf of the petitioner and he
was heard at length by the Court below on the objection dated
20.03.2015. Moreover, the petitioners are the defendant Nos.1(b),
(c) etc. in the Court below. By the impugned order, the
amendment of the written statement has been allowed.

In such view of the matter, when the written statement of one defendant has been allowed, the other defendants have got no role to contest the amendment of the written statement particularly when the plaintiff is not challenging the impugned order.

Thus, in my opinion, this is not a case for interference in supervisory jurisdiction. Accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

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