

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2785 of 2015

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Hirday Yadav

.... Petitioner/s

Versus

Ajay Yadav & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 10-03-2016

Heard Mr. Pramod Mishra, learned counsel for the petitioner.

The only objection of the petitioner is that the court below has allowed the amendment application at the stage of arguments of the case and new facts are being sought to be brought on record by way of amendment which is prejudicial to the petitioner.

Perused the order passed by the court below.

The court below has specifically recorded the finding that the amendment sought for neither changes the nature of the suit nor is prejudicial to the petitioner and further held that the amendment sought for is necessary for just decision of the controversy between the parties. It is settled principle of law that the court must not refuse bona fide, legitimate, honest and necessary amendments and should never permit mala fide,

worthless and/or dishonest amendments. Ordinarily if the other side is compensated by costs, then there is no injustice. The important condition which should govern the discretion of the court is the potentiality of prejudice or injustice which is likely to be caused to other side.

In the present case, the court below has considered the facts of the case and the amendment sought for and has recorded clear finding that no prejudice will be caused to the petitioner.

I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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