

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1111 of 2016**

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Ram Asis Rai

.... Petitioner/s

Versus

Chhote Lal Rai & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Neeraj Kumar

For the Respondent/s : Mr.

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

2 05-10-2016

Heard the learned counsel, Mr. Neeraj Kumar for the
petitioner.

Perused the impugned order dated 19.08.2016 passed by
the Civil Judge(Sr. Div.) IV, Samastipur in Title Suit No.64 of
1990 whereby the learned Court below allowed the amendment
application filed by the plaintiffs-respondents considering the
decision of the Supreme Court.

From perusal of the impugned order, it appears that by
this amendment application, the plaintiff prayed for amendment of
some facts in the plaint regarding the subsequent event to the
effect that the plaintiffs have purchased some part of the property
during the pendency of the suit in the year 2014 from the
intervener-defendant, third party.

So far this subsequent event is concerned, there is no
denial on the part of the petitioners who are defendants in the suit.

Now, therefore, during the pendency of the suit, there is some subsequent event took place and, therefore, this subsequent event is being brought by the plaintiff by way of amendment.

In view of the above facts and circumstances of the case, when the Court below has considered the decision of the Supreme Court and passed the order in exercise of jurisdiction under Order 6 Rule 17 C.P.C., in no case, it can be said that the order is without jurisdiction or it is irrational or it has been passed in the manner not permitted by law so as to call for interference in exercise of supervisory jurisdiction.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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