

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3200 of 2016

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Surendra Rai & Ors

.... Petitioner/s

Versus

Dasai Rai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadav

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 14-07-2016

Heard learned counsel Mr. Madhaw Prasad Yadav for the petitioners and learned counsel Ms. Vagisha Pragya Vacaknavi for the respondent.

By the impugned order dated 04.12.2015 passed by the learned Additional District Judge-I, Saran at Chapra in Probate Case No.17 of 2010/Title Suit No.08 of 2012 has allowed the amendment application filed by the plaintiff-respondent.

It appears that the probate case was earlier dismissed on the ground of limitation only. The respondent filed Miscellaneous Appeal No.428 of 2013 before the High Court. The High Court set aside the order of dismissal and remanded the matter to the trial court for decision afresh on all issues. Liberty was granted to the parties to adduce their evidence. Thereafter the application for amendment has been filed. It is submitted that after remand prior to adducing evidence the amendment has been filed and

considering this aspect of the matter the court below has allowed the amendment. In such view of the matter because simply the amendment has been allowed, in no way it can be said that it prejudiced the petitioner particularly when his evidence has not yet started.

Thus, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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