

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4432 of 2016

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M/s Shakti Modern Rice Mill & Ors

.... Petitioner/s

Versus

Bihar State Finance Corporation & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Srivastava

For the Respondent/s : Mr. Raju Giri

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 27-06-2016 Heard learned counsel Mr. Sunil Srivastava for the

petitioners and learned counsel Mr. Raju Giri for respondent nos.1

to 4.

Perused the order dated 23.01.2016 passed by learned
Subordinate Judge-III, Aurangabad in Title Suit No.208 of 1996
whereby the court below has rejected the amendment application
filed by the petitioners on the ground that the plaintiffs are trying
to bring entirely a new case having new facts and are claiming for
new reliefs. Perused the amendment application which has been
annexed as Annexure-I to the writ application. It appears that the
plaintiffs by amendment application are trying for overhauling the
plaint itself. It is admitted fact that the evidences of both the
parties have already been closed. The plaintiffs-petitioners have
filed the suit for directing the Financial Corporation to release the
rest amount of loan already sanctioned by the Financial

Corporation. By way of amendment now the plaintiffs are bringing new facts which are necessary for deciding the reliefs claimed by the plaintiffs in the suit. If now at this stage, this type of amendment is allowed then naturally it will cause irreparable loss to the Financial Corporation which is in fact a public institution.

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

(Mungeshwar Sahoo, J)

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