

Civil Writ Jurisdiction Case No.8335 of 2014

Versus

Appearance :

For the Respondent/s : Mr.

ORAL JUDGMENT

Heard Mr. Sandeep Kumar Shahi, the learned

counsel for the petitioners.

Assailing the impugned order by which the petition for amendment in the plaint has been rejected, the plaintiff-petitioners have filed this application under Article 227 of the Constitution of India.



It is not in dispute that the suit has been filed in the year 2000 with the relief for declaration of title over the suit land. At the stage of argument the petition dated 10.03.2014 was filed by the plaintiffs seeking amendments including the amendment for addition of the relief for specific performance of contract. The learned court below after considering the facts and circumstances as well as the submissions on behalf of the parties, has turned down the amendments relating to the addition of the relief for specific performance of contract but allowed the amendments which are formal in nature.

After considering the submissions and from perusal of the materials on record including the impugned order, it is transparent that the suit was earlier filed for declaration of title and it is only at the argument stage of the suit that the plaintiff-petitioners have prayed for amendment for adding the relief of specific performance of contract after deleting the earlier relief. It is obvious that the nature of the suit would completely change, if the proposed amendment in this regard is allowed. The learned court below has committed no error of jurisdiction or illegality in passing the impugned order, rejecting the prayer for amendments in this regard.

The writ application is, accordingly, dismissed.

(V. Nath, J)

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