

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8995 of 2014

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Gram Vikash Sangathan, Benar through its Secretary, Ashok Kumar Vinayar Son
of Late Bundi Prasad Singh, Resident of Village-Benar PS-Sare District-Nalanda.

.... Petitioner.

Versus

1. Umesh Prasad son of Late Basudeo Prasad.
2. Saryug Prasad Son of Late Basudeo Prasad.
3. Suresh Prasad Son of Late Bindeshwar Prasad.
4. Nand Kishore Prasad Son of Hira Lal Mahto.
5. Ashok Prasad Son of Kishori Prasad.
6. Mithilesh Prasad Son of Late Narayan Prasad.
7. Manoj Kumar Son of Mathura Prasad.
8. Pramod Kumar Son of Dukhharan Singh.
9. Damodar Prasad Son of Late Sada Sheo Mahto all are resident of village-Benar,
PS-Sare District-Nalanda.
10. Bipin Prasad Son of Jagadish Mahto, R/o village-Tarbigaha PS-Asthawan,
District-Nalanda.
11. Anirudh Prasad Son of Pokhrajee Jamadar.
12. Ramjit Prasad Minor Son of Anirudh Prasad.
13. Vinay Prasad, Minor Son of Anirudh Prasad.
14. Pintu Prasad Minor Son of Anirudh Prasad all 12 to 14 under the guardianship
and next friend of their father Anirudh Prasad Son of Pokharajee Jamadar who
has no adverse interest upon them, All 11 to 14 are resident of village-Benar
PS-Benar District-Nalanda.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-04-2016

V.Nath, J.

Heard learned counsel for the petitioner.

Calling in question the legal acceptability of the impugned order by which the learned court below has turned down the prayer of the plaintiff-petitioner for amendment in part, the present application under Article 227 of the Constitution of India has been filed.

After considering the submissions and perusal of the impugned order, it is manifest that the suit has been filed in the year 1991 and the argument on behalf of the defendant has been going on in the suit after completion of the evidence on behalf of the plaintiff and the defendant. At this stage the plaintiff has prayed for amendment in the plaint seeking to introduce a new paragraph in the plaint containing introduction of new facts pertaining to the dispute in the suit. The reason assigned by the plaintiff for preferring the amendment petition is only the mistake of typist that these facts could not be stated in the plaint. The learned court below considering the facts and circumstances of the case including the submissions on behalf of the parties has come to the conclusion that the proposed amendment introducing a new paragraph in the plaint is clearly not the mistake of the typist but an afterthought. It has also been found by the learned court below that prior to the present petition for amendment, the plaintiff had earlier also filed a petition for similar amendment but did not press it. This fact also leads to the inference that the intention of

the plaintiff was not bonafide as he was awaiting the defendant to lead and disclose his defence.

During the course of submission also no cogent explanation could be made out on behalf of the petitioner justifying interference in the impugned order. This Court, therefore, is not inclined to interdict the impugned order by exercising the jurisdiction under Article 227 of the Constitution of India.

This application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2016
Transmission Date	NA