

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.88 of 2016**

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Jageshwar Mukhiya

.... Appellant/s

Versus

Mushahru Kamat & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amrit Abhijat

For the Respondent/s : Mr.

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

2 13-05-2016

Heard the learned counsel, Mr. Amrit Abhijat for the
petitioner.

The Munsif, Birpur in Title Suit No.9 of 2002 rejected
the amendment application filed by the defendant-petitioner on
13.04.2016.

From perusal of the order, it appears that earlier the
petitioner admitted that two plots in question (2029 and 2030) are
the ancestral land of the plaintiff. Subsequently, amendment
application was filed for deletion of the admission and for addition
of new paragraph stating that the said plots belonged to Nanku
Mukhiya and Mihi Mukhiya, son of Asha Mukhiya. The Court
below found that if this amendment is allowed then there will be
de novo trial.

It is settled principles of law that admission cannot be
allowed to be withdrawn and, therefore, the Court below has

rightly rejected the amendment application. Therefore, I find no merit in this writ application.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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