

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.273 of 2016

In
Civil Writ Jurisdiction Case No. 4114 of 2014

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Amod Kumar Choudhary

.... Petitioner/s

Versus

Krishna Chandra Jha @ Babloo Jha

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

7 16-11-2016 Heard the learned senior counsel, Mr. J. S. Arora, for the
petitioner.

It appears that notice in Admission matter was issued on the
respondent by terms of order dated 20.09.2016. In spite of valid
service of notice, nobody is appearing on behalf of the respondent.

The learned senior counsel, Mr. Arora, submitted that while
dismissing C.W.J.C. No.4114 of 2014, this Court did not consider
anything with respect to the necessity of amendment and rejected
the prayer only on the ground that title cannot be decided in
eviction suit. According to the learned counsel, the merit of the
amendment could not have been decided as the plaintiff prayed for
an amendment which is pre-trial amendment because issues were
not even framed.

Perused the order dated 15.02.2016 sought to be reviewed.

From perusal of the order, it appears that the question regarding the amendment has not at all been considered nor the question was argued before this Court and the principle for consideration of amendment application has not at all been considered. In my opinion, this is error apparent on the face of the record. Thus, this review application is allowed. The order dated 15.02.2016 passed in C.W.J.C. No.4114 of 2014 is hereby recalled. The C.W.J.C. No.4114 of 2014 be listed under the heading for Admission.

(Mungeshwar Sahoo, J)

Sanjeev/-

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