

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15649 of 2014

=====

Devi Bhagat Son of Late Sitaram Bhagat resident of village -
Machhargawan, Police Station - Kotwa, District - East Champaran.

.... Petitioner/s

Versus

1. Bharat Bhagat son of Lt Hanuman Bhagat.
2. Yogendra Bhagat son of Late Hanuman Bhagat. Both resident of Village
- Machhargawan, Police Station - Kotwa, District - East Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 27-10-2016 Nobody appears on behalf of the petitioner in spite
of repeated calls.

By the impugned order the learned court below has
rejected the prayer on behalf of the petitioner praying for
amendment in the written statement at the appellate stage.

It transpires from the impugned order as well as
materials on record that the written statement was filed by the
appellant-petitioner on 11.06.2002 itself and thereafter the suit
was tried and against the judgment and decree passed in the suit
the appeal has been filed by the petitioner. At the stage, the prayer
for amendment in paragraph-17 of the written statement was
made. The learned court below, after considering the facts and
circumstances of the case, has come to the conclusion that the new



facts are being introduced which will change the nature of the defence. In this backdrop, this Court is not inclined to interfere in the impugned order under Article 227 of the Constitution of India.

The application is accordingly dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--

