

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3877 of 2013

In
C.R. 214 of 2012

- =====
1. Nayamamati Devi wife of Nand Kumar Bhagat.
 2. Nand Kumar Bhagat son of late Fagu Bhagat, both residents of village-Jaijore, P.S. Aandar, District-Siwan. Petitioner/s

Versus

1. Shyamlal Bhagat son of late Ramchandra Bhagat.
 2. Kusum Devi wife of Shyamlal Bhagat both residents of village-Jaijore, P.S. Aandar, District-Siwan.
 3. Vidya Shankar Prasad son of late Suryadeo Narain Lal resident of village-Jaijore, P.S. Aandar, District-Siwan. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

6 11-02-2016 Heard the learned counsel for the petitioners. The learned counsel for the other side is also present.

The prayer in this application is to quash the order by which the learned court below has rejected the prayer for amendment by the defendants in the written statement.

From the perusal of the impugned order, it transpires that the learned court below has come to the finding that the defendants want to resile from the admissions made in the paragraphs and therefore the prayer as made has been turned down.

The learned counsel for the petitioners has submitted

that the paragraphs sought to be added are by way of explanation or clarification of the statement made earlier and the defendant-petitioners do not want to take away the admissions rather the intention is only to explain those facts. The law has been now settled by the Apex Court in the case of **Ram Niranjana Kajaria Vs. Jugal Kishore Kajaria, 2015 (4) PLJR (S.C) 290** where the Apex Court has held that the defendants cannot be permitted to withdraw the admissions made in the written statement by way of amendment. Their lordships, however, granted liberty to such defendants to explain/clarify the admissions already made in the written statement by filing such application. However, it has been observed that a fresh application must be limited to the extent of explaining/clarifying the disputed admissions in the written statement.

In view of the aforesaid dictum of the Apex Court, this Court is not inclined to interfere with the impugned order.

The writ application is, accordingly, dismissed with liberty to the defendant-petitioners to make appropriate prayer before the learned court below in accordance with law as laid down in **Ram Niranjana Kajaria** (supra).

Devendra/-

(V. Nath, J)

U			
---	--	--	--