

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10057 of 2014

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Sandhya Kumari & Anr

.... Petitioner/s

Versus

Naresh Kumar & Ors

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.12562 of 2014

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Sandhya Kumari & Anr

.... Petitioner/s

Versus

Naresh Kumar & Ors

.... Respondent/s

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Appearance :

(In CWJC No.10057 of 2014)

For the Petitioner/s : Mr. Shabbir Ahmad

For the Respondent/s : Mr.

(In CWJC No.12562 of 2014)

For the Petitioner/s : Mr. Shabbir Ahmad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 16-02-2016 Heard learned counsel Mr. Shabbir Ahmad for the petitioners and learned Senior Counsel Mr. S.S. Dvivedi for the respondents.

2. The writ application i.e. C.W.J.C. No.10057 of 2014 under Article 227 of the Constitution of India has been filed by the defendants-petitioners against the order dated 21.11.2013 passed in Title Suit No.86 of 2012 by the learned Subordinate Judge-I, Patna City whereby the court below allowed the amendment application filed by the plaintiff.

3. The other writ application i.e. C.W.J.C. No.12562 of 2014 has been filed against the order dated 20.02.2014 passed in the same suit by the same Court whereby the application of the plaintiff under Order VI Rule 18 CPC has been allowed on the payment of cost.

4. It appears that the amendment application was filed by the plaintiff for amendment of the plaint. The court below in the impugned order found that till the date of order no evidence was started and, therefore, it was pre-trial stage amendment. Accordingly, the court below allowed the same on payment of cost. Subsequently the plaintiff could not get the amendment made in the pleading according to Order VI Rule 18 CPC, the plaintiff filed application for extension of time which was allowed on payment of cost, which was under challenge in the other writ application. Since the amendment has been allowed at the pre-trial stage, there is no question of any jurisdictional error arises and the court has the jurisdiction to amend the plaint. Therefore, no case for interference in supervisory jurisdiction is made out.

5. Thus, both the writ applications are hereby dismissed.

(Mungeshwar Sahoo, J)

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