

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16978 of 2015

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Meena Devi & Anr

.... Petitioner/s

Versus

Raghubir Mahto & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Tiwari

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 05-07-2016 Heard learned counsel Mr. Umesh Tiwari for the

petitioners and learned counsel Mr. Praveen Kumar for the

respondents.

Perused the impugned order dated 20.07.2015 passed by
the learned Munsif Sadar, Motihari in Title Suit No.28 of 2008
whereby the learned court below rejected the amendment
application filed by the defendants-petitioners on the ground that
the petitioners are trying to withdraw the admission made by them.

It is settled principles of law that categorical admission
cannot be allowed to be withdrawn. In this matter reference may
be made to the decision of the Hon'ble Supreme Court, (2008) 7
Supreme Court Cases 85.

From perusal of the amendment application, it appears
that by way of amendment entirely a new fact is sought to be
added. From perusal of the impugned order, it appears that the

court below found that the evidences of plaintiff as well as defendant no.3 have already been closed. The suit is of the year 2008, therefore, in view of proviso to Order VI Rule 17 of the Code of Civil Procedure also the amendment cannot be allowed at this stage and if it is allowed then naturally it will cause prejudice to the plaintiff as the plaintiff's evidence has already been closed. The only explanation given by the petitioners is that they had no knowledge about this fact prior to filing written statement.

I, therefore, find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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