

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17789 of 2015

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Upendra Narain Yadav

.... Petitioner/s

Versus

Shiv Narain Yadav & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 23-06-2016

Heard learned counsel for the petitioner.

By the impugned order dated 01.09.2015 the learned Subordinate Judge-I, Madhepura has allowed amendment application filed by the defendants-respondents in Title Suit No.102 of 2006.

From perusal of the impugned order, it appears that it is not the case of the plaintiff that trial has commenced. Therefore, the court has no jurisdiction to allow the amendment. From perusal of the order, it further appears that this point was also never raised that the trial has commenced.

The only grievance is that by amendment the defendants are trying to make statement that the property acquired by the plaintiff is also joint family property and the amendment application was filed on the ground that there is typographical mistake but from perusal of the amendment application it will

appear that it is not the fact rather some paragraphs are sought to be added.

Be that as it may. Since it is pre-trial amendment, the court below has exercised the jurisdiction under Order 6 Rule 17 of the Code of Civil Procedure rightly and, therefore, it needs no interference in supervisory jurisdiction.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

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