

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1223 of 2015

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Muslim Khan & Anr			Petitioner/s
Versus			
Azizur Rahman			Respondent/s

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Appearance :
For the Petitioner/s : Mr. Rashid Rais
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 02-03-2016 Heard the learned counsel, Mr. Rashid Rais, for the petitioner.

The learned lower appellate Court by order dated 22.10.2014 rejected the amendment application filed by the defendant-appellant-petitioner in Title Appeal No.39 of 2009 on the ground of Proviso to Order VI Rule 17 CPC on the ground that the fact which is now sought to be introduced by amendment is entirely a new fact and the petitioner has not explained that in spite of due diligence, this fact could not be brought in the written statement.

The only submission of the learned counsel for the petitioner is that this fact was not known to the petitioner. In my opinion, this is not at all explanation and the suit itself was filed in the year 2005 by the plaintiff

respondent. Thus, no case for interference in supervisory jurisdiction is made out.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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