

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.992 of 2016**

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Sahindra Kumar Yadav S/o Late Parmeshwari Yadav, proprietor of A One
Rice Mill R/o Bhagwanpur, P.S.-Saur Bazaar, District-Saharsa

.... Appellant

Versus

District Manager Bihar State Food Civil Supply Corporation Ltd. Saharsa,
P.s. Saharsa, District Saharsa

.... Respondent

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Appearance :

For the Appellant : Mr. Ranjan Kumar Dubey, Advocate.

For the Respondent : Mr. Shailendra Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 28-10-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of District Manager, Bihar State Food
Civil Supply Corporation Ltd. Saharsa.

Perused the impugned order dated 16.07.2016 passed by
the learned Sub-Judge-1st Saharsa, in Title Suit No. 219 of 2015,
whereby the learned court below has rejected the amendment
application filed by the plaintiff-petitioner.

It is admitted by the learned counsels for both the parties
that the suit is at very initial stage. Moreover, the respondent here
has not appeared in the court below in suit.

From perusal of the impugned order, it appears that court
below rejected the amendment application on the ground that the
plaintiff-petitioner is praying to make amendment in four pages of

the plaint and therefore, it amounts to present a new plaint.

In my opinion, the court below rejected the amendment application on the ground which is not available and particularly when the suit is at the very initial stage. The court's have very wide jurisdiction to allow all the amendments in the pleadings of the parties prior to commencement of trial if no prejudice is caused to the other side. The amendment can be rejected only if the amendment sought for is malafide or that it is barred by law of limitation or that it would cause hardship or prejudice to the other side. On the ground that the amendment is sought for on the whole body of the plaint, the amendment cannot be rejected.

In my view, therefore, learned court below has refused to exercise the jurisdiction vested in it by law. In the result, the application is allowed and the impugned order dated 16.07.2016 passed in Title Suit No. 219 of 2015 is set aside and amendment petition is allowed.

(Mungeshwar Sahoo, J)

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