

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4242 of 2016

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Jane Alam

.... Petitioner/s

Versus

Anil Kumar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

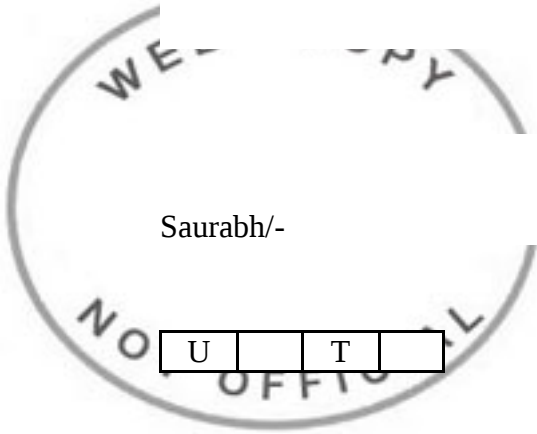
2 17-05-2016 Heard the learned counsel, Mr. Binod Kumar Singh for
the petitioner.

It appears that the Court below i.e. Sub Judge XIII, Motihari by order dated 12.01.2016 rejected the amendment application filed by the petitioner in Title Suit No.349 of 2002 finding that the explanation for delay according to proviso to Order VI Rule 17 has not been explained by the petitioner satisfactorily as the suit is at the stage of argument.

From perusal of the amendment application, which is Annexure 1, it appears that by amendment, the petitioner is trying to bring an entirely new fact at the stage of argument of the case. It is not his case that prior to institution of the suit, the plaintiff has no knowledge about the fact which is now being sought to be introduced by way of amendment. Therefore, the Court below has rightly rejected the amendment application. I find no reason to

interfere with the order passed by the Court below.

Accordingly, this writ application is dismissed.



(Mungeshwar Sahoo, J)