

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4322 of 2014

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Raj Kumar Goswami & Ors

.... Petitioner/s

Versus

Dhrub Sah & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 06-01-2016

Heard learned counsel for the petitioners.

By the impugned order dated 18.01.2014 the learned court below has allowed the amendment application filed by the plaintiffs in Title Suit No.68 of 2004.

It appears that the plaintiffs filed the aforesaid suit for declaration that the Power of Attorney dated 25.06.1988 executed by Mohan Sah in favour of Raj Kumar Goswami as his manager of the property is forged, fabricated and fraudulent. Subsequently after commencement of trial amendment application was filed under Order 6 Rule 17 CPC and prayed for amendment in the relief portion by addition of another prayer i.e. it may be decided as to what is the share of the plaintiffs in the property sold by petitioner no.1 to petitioner nos.2 and 3.

The learned counsel for the petitioners submitted that because of proviso to Order 6 Rule 17 CPC the Court has no

jurisdiction to allow amendment after commencement of trial. So far this submission is concerned, it may be mentioned here that the plaintiffs are only adding a relief in the suit and no new fact is being brought on record. Therefore, there is no question of any prejudice to the petitioners arises nor by the impugned order any injustice has been caused to the petitioners.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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