

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.775 of 2016**

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Bino Tanti @ Binay Tanti

.... Appellant/s

Versus

Smt. Pushpa Rani & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Deepak Kumar Sinha

For the Respondent/s : Mr.

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

ORAL ORDER

2 29-09-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 05.08.2015 passed by the Sub-Judge-VI, Bhagalpur in T.S. No. 835 of 2013 whereby the learned court below has allowed the amendment application filed by the plaintiffs-respondents.

Admittedly, on the date of the impugned order, the trial had not commenced. The defendant-petitioner disputed the identity of the subject matter of the suit and, therefore, the amendment application was necessitated. The plaintiff field the amendment application, which has been allowed. In no way, it can be said that the order passed by the court below is without jurisdiction. Thus, the court below has rightly allowed the amendment application. Accordingly, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)