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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7430 of 2013

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1. Vidya Bhushan Prasad Son Of Late Faggu Mahto Resident Of Village Jaytipur, Police Station Islampur, District Nalanda

.... Petitioner/s

Versus

1. Shanti Devi W/O Gopal Sharan Upadhyay Resident Of Mohalla Tola Chhoti Milki, P.O. And P.S. Rajgir, District Nalanda
2. Gopal Sharan Upadhyay Son Of Late Pandit Badri Upadhyay Resident Of Mohalla Tola Chhoti Milki, P.O. And P.S. Rajgir, District Nalanda
3. Most. Anita Devi W/O Late Manoj Upadhyay Resident Of Mohalla Tola Chhoti Milki, P.O. And P.S. Rajgir, District Nalanda
4. Vijendra Prasad Son Of Late Faggu Mahto Resident Of Village Jayatipur, Police Station Islampur, District Nalanda

.... Respondent/s

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

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

2 01-04-2016 Gone through the order impugned.

Proposed amendment is annexed with the petition as Annexure-2.

After going through the same, it is evident that this will completely change the existing scenario than whatever been pleaded by the petitioner/ plaintiff, if allowed.

In likewise manner, second proposed amendment is with regard to substitution of the boundary which the sale deed dated 26.01.1930 having in favour of father of petitioner/plaintiff. Again, the prayer if allowed will trace out different location than

whatever been scheduled under plaint.

There happens to be consistent finding that while allowing the prayer of amendment, the nature of the suit should not be allowed to change.

By way of such proposed amendment, the plaintiff seeks intrusion of new facts as well as attempted not only to patch up the existing deficiency, rather intends to introduce new version which cannot be allowed.

Accordingly, petition is rejected.

(Aditya Kumar Trivedi, J)

Sudha/-

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