

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10268 of 2014

1. Ram Swaroop Mehta son of Late Narayan Mehta Resident of village - Phulout, P.S. - Chousha, District - Madhepura.

.... Petitioner/s

Versus

1. Nathu Sah.
2. Sunil Sah. Both son of Late Anandi Sah Resident of village - Phulout, P.S. - Chousha, District - Madhepura.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 04-07-2016

Nobody appears on behalf of the petitioner.

Perused the office note.

By the impugned order in this application filed under Article 227 of the Constitution of India the defendant-petitioner in the suit has questioned the rejection of his prayer for amendment in the written statement. It transpires from the impugned order that the amendment has been prayed in the written statement after the commencement of trial where already six witnesses were examined on behalf of the defendant. The court has also come to the conclusion that the defendant has failed to establish due diligence and there is also no explanation as to why this amendment was not included at the earlier stage when the amendment in the written

statement was sought by the petitioner.

In this view of the matter, this court does not find it a fit case to invoke its jurisdiction under Article 227 of the Constitution of India in the matter.

It is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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