

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6335 of 2016

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Raj Ballav Kumhar

.... Petitioner/s

Versus

Rama Shankar Yadav & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 27-07-2016 Heard learned counsel Mr. Anish Chandra Sinha for the
petitioner.

Perused the order dated 08.12.2015 passed by Munsif,
Jagdishpur (Bhojpur) in Title Suit No.70 of 2005 whereby the
court below has allowed the amendment application considering
the fact that the amendment sought for by the plaintiffs is the
subsequent event i.e. after appointment of Pleader Commissioner.

From perusal of the order, it appears that the Pleader
Commissioner was appointed in the case. According to the
plaintiffs, subsequent to the appointment of Pleader Commissioner
defendant-petitioner has dispossessed/encroached the land of the
plaintiffs and, therefore, the amendment was sought for. If further
appears that, as has been submitted by learned counsel for the
petitioner, only four witnesses have been examined on behalf of
the plaintiffs. Therefore, the court below has granted liberty to the

defendant to file additional written statement to the amended portion of the plaint.

In such circumstances, there is no question of prejudice to the petitioner arises. Thus, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

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