

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14063 of 2014

- =====
1. Jafir Mansuri
 2. Janif Mansuri @ Janif
 3. Nizamuddin Mansuri All Sons of Roze Mohamad Mian
 4. Gulbahar Khan Son of Late Yunus Khan All residents of Sheohar Ward No.7,
P.O. and P.S. Sheohar, District - Sheohar

.... Petitioner/s

Versus

1. Md Shabbir Alam Khan Son of Nazir Ahmad Resident of Sheohar Ward No.7,
P.O. & P.S. Sheohar, District - Sheohar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha No.-2, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 03-10-2016

Heard learned counsel for the petitioners.

The present application has been filed assailing the impugned order by which the learned court below has allowed the prayer of the plaintiff for amendment in the plaint.

Learned counsel for the petitioners has submitted that earlier to the petition for amendment, a petition was filed on behalf of the defendant-petitioners for dismissing the suit on the ground of *res judicata* and limitation but the learned court below has not decided the issues raised in the said petition. It has been contended



that the suit was barred by the principles of *res judicata* as well as limitation.

After considering the submissions and the materials on record as well as the impugned order, it is evident that the suit is at the initial stage where the issues have still not been framed. On behalf of the petitioners the said position has been not disputed. This Court, therefore, is not inclined to interfere with the impugned order.

The application is, accordingly, dismissed.

However, the petitioners shall be at liberty to press the petition said to have been field by the petitioner and is said to have been still pending for disposal in accordance with law. The learned court below shall consider the said petition in accordance with law without being prejudiced by this order.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.12.2016
Transmission Date	N.A.

