

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.603 of 2016**

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Ganesh Singh

.... Appellant/s

Versus

Dinanath Singh

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ratna Deep Prasad

For the Respondent/s : Mr.

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

ORAL ORDER

2 08-08-2016 Heard the learned counsel, Mr. Ratna Deep Prasad, for the
petitioner.

By the impugned order dated 4.2.2016, the learned Sub
Judge XIV, Vaishali at Hajipur in Title Suit No.85 of 1995 has
allowed the amendment application filed by the plaintiff
respondent.

The learned counsel for the petitioner submitted that
repeatedly several applications are being filed by the plaintiff
respondent as a result of which the petitioner's evidence has not
yet started and the learned Court below by the impugned order has
allowed the amendment application without recording any finding
regarding the due diligence of the plaintiff respondent as required
under Proviso to Order 6 Rule 17 CPC.

The suit is of the year 1995. Admittedly, the evidence of

this petitioner has not yet started. From perusal of the amendment application, it appears that the amendment application was filed for making correction in the plaint regarding name, plot number, khata number etc. So far the submission of the learned counsel for the petitioner that Proviso to Order 6 Rule 17 CPC is concerned, it may be mentioned here that the suit is of the year 1995, therefore, Proviso to Order 6 Rule 17 CPC will not apply in the present case, therefore, the learned Court below has rightly allowed the amendment application.

Thus, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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