

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4020 of 2014

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Smt. Ram Padiya Devi

.... Petitioner/s

Versus

Kapil Ravidas & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 13-01-2016 Heard the learned counsel for the petitioner and the

learned counsel for the respondents.

It appears that the petitioner filed Eviction Case No.20 of 2008 for eviction of the defendant. The defendant filed contesting written statement. Both the parties adduced their respective evidences and thereafter arguments of the defendants have also been concluded. At this stage, amendment application was filed for amendment of some portions of paragraph 1 and 2. The Court below on the basis of the application and the pleading came to the conclusion that in fact, it is not typing mistake rather if amendment is allowed, it will be entirely a new story and accordingly rejected the application.

The learned counsel for the petitioner submitted that in fact, it is typing mistake because the plaintiff when came to know that the name of father of Jiwan Chamar is Hulash Chamar, the

amendment application was filed.

On the other hand, the learned counsel appearing on behalf of the respondents submitted that it is not a typing mistake rather now a new story is being introduced i.e. the genealogy given by the plaintiff will be changed. Earlier it was stated that Jiwan Chamar had a son namely Hulash Chamar. Hulash Chamar had two sons but now by amendment the plaintiff is trying to change the genealogy to the effect that Hulash Chamar had a son, Jiwan Chamar who had two sons.

At the time of hearing of this writ application, the learned counsel for the petitioner read the evidence of the plaintiff who was examined as P.W.1. She in her evidence has stated that she does not know the father's name of Jiwan Chamar. She has also not stated anything about the son of Jiwan Chamar. In such view of the matter, now the amendment sought for is without basis. Further, according to the Court below if the amendment is allowed, the genealogy originally given by the plaintiff will be changed. In view of the proviso to Order VI Rule 17 C.P.C., now after the closure of the evidence of the parties, at this stage, the fact whereby new story is being introduced cannot be allowed and, therefore, the Court below has rightly rejected amendment application.

Accordingly, the impugned order needs no interference in supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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