

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12912 of 2013

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1. Mosmat Sanjharia Widow Of Late Satahu Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
 2. Urmila Devi D/O Late Sathu Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
 3. Pramila Devi D/O Late Sathu Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
 4. Rita Kumari D/O Late Sathu Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
 5. Bhola Sahni Son Of Late Sathu Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
 6. Ratan Kumar (Minor) Son Of Late Sathu Sahni Under Guardianship Of Mother Mosmat Sanjharia Devi Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur

.... Petitioners

Versus

1. Gena Sahni Son Of Late Gonaur Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
2. Ram Bilas Sahni Son Of Late Gonaur Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
3. Nand Kishore Sahni Son Of Late Mahindra Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
4. Ganesh Sahni Son Of Late Mahindra Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
5. Mahesh Sahni Son Of Late Mahindra Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
6. Ramesh Sahni Son Of Late Mahindra Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
7. Sundar Sahni Son Of Late Mahindra Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur
8. Mostt. Marochhia, Widow Of Late Mahindar Sahni Resident Of Village Panapur, P.O.- Nariar Panapur, P.S. Minapur, District- Muzaffarpur

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 20-10-2016 Heard learned counsel for the petitioners and learned
counsel for the respondent nos. 1, 2, 4, 5, 6 and 8.

This application under Article 227 of the Constitution

is directed against the order dated 24.08.2013 passed in Title Appeal No. 11 of 2009, whereby the learned Additional Sessions Judge, Muzafarpur rejected the application of the plaintiff/respondent/petitioner filed under Order 6 Rule 17 to amend the plaint.

On going through the impugned order, it appears that the learned Additional Sessions Judge has rejected the application of the plaintiff/respondent/petitioner arriving at the conclusion that the proposed amendment will change the basic foundation of case and cause of action of the suit.

As such, I do not find any illegality in the impugned order amounting to abuse of process of Court for interference in extraordinary jurisdiction under Article 227 of the Constitution of India. Accordingly, this application is dismissed.

(Rajendra Kumar Mishra, J)

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