

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.535 of 2016

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SK. Hasibur Rahman

.... Appellant/s

Versus

Abdul Quddus

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Najeeb Ahmad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

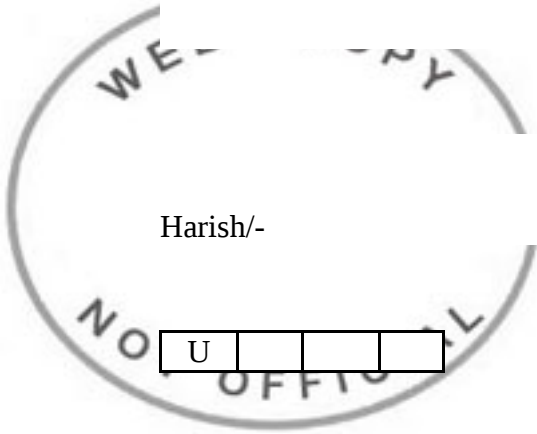
3 19-09-2016 Heard learned counsel Md. Najeeb Ahmad for the petitioner and learned counsel Md. Anisur Rahman for the respondent.

Perused the impugned order dated 03.06.2016 passed by Subordinate Judge-Baisi, Purnea in Title Suit No.03 of 2015 (B) whereby the learned court below has rejected the amendment application filed by the plaintiff-petitioner.

It appears that the amendment application has been filed by the plaintiff on the date on which issues have been framed. Therefore, in fact the amendment sought for is pre-trial amendment. Evidence has not yet started. Therefore, the learned court below has wrongly rejected the amendment application and thereby the court below has refused to exercise a jurisdiction vested in it by law.

Thus, this civil miscellaneous application is allowed.

The impugned order is set aside and the amendment application filed by the petitioner is allowed.



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(Mungeshwar Sahoo, J)