

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.709 of 2016

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Anup Kumar

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kumar @ Vijay Kr. Singh

For the Respondent/s : Mr. Smt. Nivedita Nirvikar- Ga7

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 26-09-2016 The respondent No.1 and 2 have wrongly been made party
in this Civil Misc. application, therefore, their names are deleted.

Heard the learned counsel for the petitioner.

Perused the impugned order dated 04.06.2016 passed by
Sub Judge-12, Muzaffarpur in Title Suit No.1065 of 2014
whereby the Courts below has allowed the amendment
application.

Admittedly, the suit is at the very initial stage. The learned
counsel for the petitioner submitted that still today issues have not
been framed. Therefore, the amendment sought for is pre-trial
amendment and it is settled principal of that that the Court should
liberally allow the amendment application prior to the
commencement of trial, if it is required for the determination of
the controversies between the parties.

The Court below, therefore, has rightly allowed the

amendment application as such there is no question of prejudice arises as he has got the opportunity to rebut the case of the plaintiff.

Thus, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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