

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.579 of 2016**

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Mahendra Prasad

.... Appellant/s

Versus

Smt. Pyari Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 07-09-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 12.04.2016 passed by the learned Munsif II, Gaya in Partition Suit No.54 of 2010 whereby the Court below has allowed the amendment application filed by the plaintiffs-respondents.

From perusal of the amendment application itself, at paragraph 9, it is clearly mentioned by the plaintiff that evidence has not yet started. Therefore, in my opinion, it is a pre trial amendment.

In view of the above facts and circumstances of the case, there is no question of prejudice to the petitioner arises, as such, it is not a case for interference in exercise of supervisory jurisdiction under the Constitution of India.

Thus, this Civil Miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)