

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5268 of 2016

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Bindeshwar Prasad & Ors

.... Petitioner/s

Versus

Sidheshwar Prasad & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 05-05-2016

Heard the learned counsel, Mr. Mukesh Kumar Jha for
the petitioners.

It appears that the Court below by the impugned order
has allowed the amendment application recording a finding that
the amendment petition incorporates the same properties what has
been given in the plaint with the exception that the property given
in schedule number 2 of the plaint have been specified with the
direction and boundary of the same. In the facts and circumstances
described above, it is clear that plaintiffs have sought amendment
in the plaint which is of formal nature.

The Hon'ble Supreme Court in the case of **Jai Singh and
Ors. v. Municipal Corporation of Delhi & Anr., (2010) 9
Supreme Court Cases 385** at paragraph 16 has held that the High
Court cannot lightly or liberally act as an appellate court and
reappreciate the evidence. Generally it cannot substitute its own

conclusion for the conclusion reached by the Court below or the statutory quasi judicial tribunals.

Therefore, in the present case, when the Court below has recorded the finding on the basis of the pleadings of the parties and the amendment application, this Court for the purpose of supervising the order passed by the Court below cannot substitute own finding of fact.

In view of the finding of the Court below, therefore, in exercise of supervisory jurisdiction, the order impugned cannot be interfered with.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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