

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9555 of 2014

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Md. Jaid @ Md Zaid Son of Late Md. Hasibul Haque Resident of Mohalla -
Lalbagh, P.S. Peerbahore in the Town and District - Patna

.... Petitioner/s

Versus

1. Smt. Savitri Devi wife of Late Santan Kumar Sinha
2. Sri Raj Kumar son of Late Santan Kumar Singh Both resident of
Mohalla - Makhaniya Kuan, P.S. Peerbahore in the Town and District –
Patna. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

2 12-05-2016 Nobody appears on behalf of the petitioner even after repeated calls.

By the impugned order, the learned court below has allowed the prayer for amendment of the defendant in the written statement as well as amendment in the plaint as prayed by the plaintiffs.

The present application has been filed by the defendant as petitioner questioning the second part of the order dated 05.03.2014 by which the prayer of the plaintiffs for amendment in the plaint has been allowed. It appears from the materials on record as well as after perusal of the impugned order



that the suit for eviction has been filed by the plaintiff-respondents against the defendant-petitioner seeking eviction of the defendant from the suit premises on the ground of default in payment of rent and also on the ground of personal necessity. During the pendency of the suit, the prayer of the defendant for amendment in the written statement was made by filing a petition dated 04.05.2012. The plaintiffs also filed a petition on 09.11.2012 seeking amendment in the plaint. By the impugned order, the learned court has come to the conclusion that the amendment prayed by the defendant in the written statement and also the amendment prayed by the plaintiffs in the in the plaint respectively were based upon subsequent events and therefore has allowed the prayer both of the defendant as well as the plaintiffs for amendment in the written statement and in the plaint respectively.

The present application as mentioned earlier is only against the part of the order by which the prayer of the plaintiffs for amendment in the plaint has been allowed. It is well settled that the prayer for amendment is entirely under the discretion of the court and from the impugned order it does not appear that the said jurisdiction has been exercised in arbitrary manner. The learned court below has given cogent reasons for allowing the prayer for amendment as prayed by the plaintiffs.

This Court, therefore, does not find any merit in this application, which is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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