

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13357 of 2013

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Hari Shankar Poddar Son of Subhash Chandra Poddar Resident of Village and P.O. Simariya P.S. Teghra, District Begusarai At Present Residing At Refinery Township Quarter No. D2/F-2 P.O. Barauni Refinery, District Begusarai

.... Petitioner

Versus

1. Ram Udgar Rai, Son of Late Kameshwar Rai Resident of Village and P.O. Simariya, P.S. Teghra, District Begusarai At Present Residing At Krishnapuri Ward No. 21 Begusarai, P.S. Begusarai, District Begusarai
2. Subhash Chandra Poddar Son Of Late Ram Charitra Poddar Resident Of Village And P.O. Simariya P.S. Teghra, District Begusarai At Present Residing At Refinery Township Quarter No. D2/F-21 P.O. Barauni Refinery, District Begusarai
3. Uday Shankar Poddar @ Rajesh Kumar Poddar Son Of Subhash Chandra Poddar Resident Of Village And P.O. Simariya P.S. Teghra, District Begusarai At Present Residing At Refinery Township Quarter No. D2/F-21 P.O. Barauni Refinery, District Begusarai
4. Pankaj Kumar Poddar Son Of Subhash Chandra Poddar Resident Of Village And P.O. Simariya P.S. Teghra, District Begusarai At Present Residing At Refinery Township Quarter No. D2/F-21 P.O. Barauni Refinery, District Begusarai
5. Kundan Kumar Poddar Son Of Subhash Chandra Poddar Resident Of Village And P.O. Simariya P.S. Teghra, District Begusarai At Present Residing At Refinery Township Quarter No. D2/F-21 P.O. Barauni Refinery, District Begusarai
6. Manorma Devi, Wife of Subhash Chandra Poddar Resident Of Village And P.O. Simariya P.S. Teghra, District Begusarai At Present Residing At Refinery Township Quarter No. D2/F-21 P.O. Barauni Refinery, District Begusarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Man Bansh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 04-10-2016

Heard.

This application has been filed under Article 227 of the Constitution of India against the order dated 29.05.2013 passed in Title Suit No. 288 of 2004, whereby the learned Sub-Judge-I, Begusarai

rejected the petition dated 14.02.2013 filed on behalf of defendants-petitioner and respondents 2nd Set under Order 6 Rule 17 of C.P.C. to amend the written statement. Admittedly, the plaintiff/respondent first party filed the suit for specific performance of contract against the defendants/petitioner and respondent/second party defendants. The impugned order shows that at the stage of argument, defendant/petitioner and Respondent Second party filed the application under Order VI Rule 17 of C.P.C. to amend the written statement inserting that the land in dispute was purchased through three sale deeds by them and thereafter construction was made in the year 1994 and the flour mill and shop are running in the constructed portion of the land. Learned Sub-Judge-I rejected the application of amendment dated 14.02.2013 through the impugned order arrived at the conclusion that the proposed amendment is not related to the cause of the suit in any manner and the same has been filed at the time of argument only to delay the disposal of the suit.

I find no illegality to interfere with the same in extraordinary jurisdiction under Article 227 of the Constitution of India and, accordingly, the present application is dismissed.

(Rajendra Kumar Mishra, J)

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