

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9670 of 2015

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Rameshwar Prasad & Ors

.... Petitioner/s

Versus

Tanushree Gupta & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-04-2016

Heard the learned counsel, Mr. Sanjeev Kumar for the petitioners and the learned counsel, Mr. Amrendra Nath Verma for the respondent No.2.

By the order dated 25.03.2015, the learned Sub Judge-III, Bettiah, West Champaran has allowed the amendment application filed by the plaintiffs-respondents in Partition Suit No.102 of 1997 whereby the plaintiffs prayed for amendment in the relief portion only.

The learned counsel for the petitioners submitted with regard to different facts of the case and submitted that in the facts and circumstances, the amendment could not have been allowed at a belated stage.

It may be mentioned here that the suit is of the year 1997. The prayer portion has only been allowed by way of amendment and, therefore, for the said amendment, no further

evidence is required to be adduced by the parties.

So far the merit of the case is concerned, it may be mentioned here that the Hon'ble Supreme Court in **(2008) 17 Supreme Court Cases 671** has held that at the time of consideration of amendment application, the Court is not required to go into the merit of the amendment sought for. This is a matter that can only be decided at the time of final hearing of the suit.

In view of the above facts of the case, when the Court below has only allowed the amendment sought for by the plaintiff, there is no question of any prejudice to the plaintiff arises.

Thus, I find no reason to interfere with the impugned order and accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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