

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12146 of 2015

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1. Mallick Mustafa Son of Mallick Azim @ Ajo resident of Village - Amin,
Police Station and Circle - Jamui, District - Jamui.

.... Petitioner/s

Versus

1. Mohamad Israil Son of Late Md. Suleman resident of Village - Main,
P.S. - Jamui, District - Jamui.
2. Mallick Firoz Son of Late Md. Sallu
3. Mallick Saula Son of Late Md. Sallu
4. Mallick Doman Son of Late Mallick Salam
5. Mallick Aslam Son of Late Mallick Azim
6. Darwari Khatoon Wife of Mallick Aslam All residents of Village - Amin,
Police Station and Post - Jamui, District - Jamui.
7. Md. Abbas Son of Late Md. Suleman
8. Md. Aslam Son of Late Md. Suleman All are residents of Village -
Denwara, P.O. + P.S. and District - Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioner and learned
counsel for the respondents.

By the order dated 26.05.2015, the learned Munsif, Jamui
only allowed the amendment application filed by the plaintiff in
Title Suit No. 13 of 2012. It is not the case of the defendant-
petitioner that the trial has commenced and proviso to Order
6, Rule 17 CPC is applicable. The only ground placed by the
petitioner is that earlier one amendment was allowed and
subsequently this application for amendment has been filed.

From perusal of the impugned order it appears that the court below found that the amendment sought for is essential for just decision of the controversies between the parties.

In such circumstances, when the court below has exercised jurisdiction under Order 6,Rule 17 CPC, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Thus, the writ application is dismissed.

(Mungeshwar Sahoo, J)

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