

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15285 of 2015**

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Ranjeet Kumar Yadav

.... .... Petitioner/s

Versus

Bibi Saibun Nisha & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**  
**ORAL ORDER**

2 19-05-2016

Heard learned counsel Mr. Satya Prakash Parasar for the petitioner.

By the order dated 07.05.2015 the learned Subordinate Judge-I, Jamui in Title Suit No.65 of 2011 allowed the amendment application whereby the plaintiffs sought amendment of the relief seeking recovery of possession of the suit property on the ground that he has been dispossessed during pendency of the suit.

The only grievance of the petitioner is that the amendment sought for is based on incorrect fact, in fact the petitioner was in possession of the property, which has been admitted by the plaintiffs in injunction matter.

The Hon'ble Supreme Court in the case of **Rajesh Kumar Aggarwal & Ors. Vs. K.K. Modi & Ors.,(2006) 4 Supreme Court Cases 385** has held that while considering whether an application for amendment should or should not be

allowed, the Court should not go into the correctness or falsity of the case in the amendment.

Admittedly in the present case, the trial has not commenced and the suit is at the very initial stage. Thus, I find no reason to interfere with the impugned order, particularly when only amendment has been allowed. Accordingly, this writ application is dismissed.

The petitioner has right to file additional written statement only to the facts brought in the plaint by way of amendment.

**(Mungeshwar Sahoo, J)**

Harish/-

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