

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8745 of 2014

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Md. Saood Raja S/o Late Masood Raja Resident of village - Barauni - 3,
P.O. Barauni Deodhi, P.S. Teghra, District - Begusarai

.... Petitioner.

Versus

1. Wadood Raja S/o Late Masood Raja Resident of village - Barauni - 3,
P.O. Barauni Deodhi, P.S. Teghra, District - Begusarai
2. Sadood Raja S/o Late Masood Raja Resident of village - Barauni - 3,
P.O. Barauni Deodhi, P.S. Teghra, District - Begusarai
3. Rauja Khatoon W/o Late Sarfuddin R/o village - Daniyalpur, P.O. P.S.
Sub Division, Sub - Registry Teghra, Distt. - Begusarai
4. Safia Khatoon W/o Md. Abdul Samad @ Lal Babu C/o Wadood Raja,
Daughter of Masood Raja, C/o Waddod Raja resident of Barauni - III, P.O.
Barauni Deodhi, P.S. Sub - Division, Sub - Registry Teghra, Distt. -
Begusarai

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 11-04-2016

Heard the learned counsel for the petitioner.

By the impugned order the learned court
below has turned down the prayer on behalf of the plaintiff for
amendment in the plaint under Order 6 Rule 17 C.P.C.

The suit has been filed in the year 2012 and
the evidence on behalf of the plaintiff has been closed on
05.12.2013. It also appears from the impugned order dated
12.02.2014 that the suit has been posted for argument. At that
stage the petition was filed on behalf of the plaintiff on 02.01.2014
praying for amendment in the plaint. From the perusal of the

amendment petition it transpires that the plaintiff has sought to change the area as well as the khata numbers etc of the suit plots. The learned court below by the impugned order has turned down the prayer for amendment and rejected the petition on behalf of the plaintiff by the impugned order.

After considering the submissions and perusal of the materials on record, it is evident that after the closure of the evidence the suit has been posted for argument and at that stage the prayer for amendment has been made by the plaintiff by filing the petition on 02.01.2014 (Annexure-2). There is no averment in the petition (Annexure-2) disclosing the fact that the plaintiff, even after exercising due diligence could not make the prayer for amendment before the trial of the suit commenced. In this view of the matter, this Court is not inclined to interfere in the impugned order by invoking the jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

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