

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12246 of 2014

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1. Dalan Prasad.
 2. Gopal Prasad Both S/o Late Bhola Prasad Resident of East Mohan Bigha, Near Kali Asthan, Ward No. 15, Dehri, P.O. Dalmianagar, P.S. Dehri, District Rohtas.

.... Petitioner/s

Versus

Suresh Chandra Gupta S/o Late Hari Charan Ram Gupta Resident of Station Road, East Mohan Bigha, Dehri, P.S. Dalmianagar, P.S. Dehri, District Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 29-08-2016

Heard learned counsel for the petitioners.

The petitioners are the defendants in the suit for eviction and are aggrieved by the impugned order allowing the prayer for amendment in the plaint by the plaintiff and have filed the present application under Article 227 of the Constitution of India for interdicting the same.

It is apparent from the materials on record and the submissions made on behalf of the petitioners that the suit has been filed by the plaintiff for eviction of the defendants from the suit shop on the ground of personal necessity. By the amendment, the plaintiff has sought to include the requirement of his unmarried daughter also

for starting her business in the suit shop. It also transpires that the learned court below while allowing the prayer for amendment has granted the liberty to the defendants to amend the written statement.

From the materials on record and after considering the submissions, this Court does not find that the nature and scope of the suit will change after acceptance of the amendment in the written statement. The suit remains the suit for eviction on the ground of personal necessity. It is also accepted that the defendant has still not examined his witnesses and the examination of the witnesses on behalf of the plaintiff is going on. In the backdrop of these facts, this Court is not inclined to interfere with the impugned order by invoking the jurisdiction under Article 227 of the Constitution of India.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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