

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.785 of 2016

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Ramanand Sah & Ors

.... Appellant/s

Versus

Rameshwar Sah

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sarangdhar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 03-10-2016 Heard learned counsel Mr. Sarangdhar Jha for the
petitioners.

Perused the impugned order dated 08.07.2016 passed by
learned 1st Additional District Judge, Araria in Title Appeal No.10
of 2013 whereby the learned court below rejected the amendment
application.

From perusal of the impugned order, it appears that the
court below clearly recorded finding that new facts are being tried
to be introduced by way of amendment at the appellate stage. If
the amendment application is allowed then for proof of fact
amended fresh evidence is required to be adduced by the parties.

Perused the amendment application filed by the
petitioners in the court below, which is Annexure-1 to this civil
miscellaneous application. It appears that the plaintiff has given in
detail the new facts in the amendment application and sought for

the amendment of facts and accordingly relief is also being changed. It is not denied that if the amendment is allowed then naturally there will be no evidence in support of the amendment sought for and then parties have to adduce evidence in support thereof. Therefore, if at this stage amendment is allowed then it will cause prejudice to the other side.

Thus, I find no reason to interfere with the impugned order. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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