

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7604 of 2015

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Siyaram Tiwari

.... Petitioner/s

Versus

Randhir Singh & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayansingh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 01-04-2016

Heard the learned counsel, Mr. Prabhat Ranjan Singh for the petitioner and the learned counsel, Mr. Rohan P. Sahay for the respondents.

By the order dated 27.02.2015, the learned Sub Judge II, Chapra in Title Suit No.451 of 2011 rejected the amendment application filed by the plaintiff-petitioner under Order VI Rule 17 C.P.C. recording clear finding that if the amendment is allowed, it will not only change the nature of the suit from declaration of title to a suit for Specific Performance of Contract and at present, the suit for Specific Performance of Contract alleged to have been entered into between the parties in the year 2009 will be barred by law of limitation. While rejecting the application, the Court below has considered various decisions of this Court as well as the Supreme Court.

In such view of the matter, in my opinion, the Court

below has passed a reasoned order supported by various judicial pronouncements. Therefore, I do not find any reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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