

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.397 of 2016**

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Most. Dhanwaso Devi & Anr
..... Appellant/s

Versus

Most. Kalawati Devi & Ors
..... Respondent/s

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Appearance :
For the Appellant/s : Mr. Md. Adil Rasheed
For the Respondent/s : Mr.

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

2 22-08-2016

Heard learned counsel, Mr. Md. Adil, appearing for the petitioners.

2. Perused the order dated 04.03.2016 passed by the Additional District Judge-IV, Buxar in T.A. No. 59 of 2011, whereby the learned appellate court rejected the amendment application filed by the appellants-petitioners under Order 6 Rule 17 of the C.P.C.

3. From perusal of the impugned order and the amendment application filed by the petitioner, it appears that at the appellate stage, plaintiffs-appellants-petitioners are trying to introduce entirely a new fact, which was neither pleaded in the court below nor the evidence was adduced. The suit is of the year 2007. Therefore, the order rejecting the amendment application needs no interference in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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