

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14633 of 2013

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Rajiv Kumar Sinha Son Of Ramesh Prasad Resident Of Mohalla - Dharampur
Nistama, Ward No. 8 (Old) 10 (New), Old Post Office Chowk Samastipur,
Presently Resident Mohalla - Professor Colony, Gali No.1, Ward No. 8 Samastipur,
Town, P.S. District - Samastipur

.... Petitioner

Versus

Smt. Raj Kumari Devi Wife Of Sri Mahesh Prasad Chaurasia Resident Of Village -
Bathua Buzurg, P.S. Musri Gharai, District - Samastipur

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-12-2016

Heard Mr. Dronacharya, learned counsel appearing
for the petitioner and the learned counsel appearing for the
respondent.

The legal acceptability of the impugned order, by
which the learned court below has refused the prayer for amendment
as made by the defendant in the suit, has been questioned in this
application under Article 227 of the Constitution of India.

After some argument, the learned counsel for the
parties have agreed that the prayer as made for amendment in the
written statement by the defendant-petitioner may be allowed but the
suit be directed to be disposed of within a time frame. Mr.
Dronacharya, learned counsel for the petitioner has also submitted



that the petitioner will not lead any evidence in view of the amendment and in reply learned counsel for the respondent has submitted that the petitioner has already stated the fact regarding the pendency of the suit in his deposition in the present suit. It has, however, been submitted by the learned counsel for the respondent that the amendment was sought for by the defendant-petitioner in the written statement only to delay the disposal of the suit, which was on the verge of completion.

After considering the submissions and in view of the stand on behalf of the learned counsel for the parties, this application is allowed and the impugned order is set aside. The prayer for amendment as made by the defendant-petitioner is allowed. However, the defendant would be precluded from praying to lead any further evidence which fact has also been accepted on behalf of the petitioner. Mr.Dronacharya, learned counsel for the petitioner has accepted that the argument on behalf of the petitioner in the suit would be completed within one month from the date of receipt/production of a copy of this order in the court below and the learned counsel for the plaintiff-respondent has also submitted that the argument on behalf of the plaintiff-respondent would be completed within one month. In this view of the matter, the learned court below is directed to dispose of the Eviction Suit No.03/2010 within a period



of three months from the date of receipt/production of a copy of this order.

The application is, accordingly, allowed with aforesaid direction.

(V. Nath, J)

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