

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.205 of 2017**

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Ram Bahadur Chowdhary

.... Petitioner/s

Versus

Hare Ram Chowdhary & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr.

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

2 04-02-2017

Heard the learned counsel for the petitioner.

Perused the impugned order dated 18.03.2016 passed by the learned Munsif, Biraul, Darbhanga in Title Suit No.2 of 2008 whereby the learned Court below has allowed the amendment application filed by the plaintiffs-respondents praying for addition of relief to the effect that during the pendency of the injunction application, the defendant has dispossessed the plaintiff, therefore, the recovery of possession be given.

Since the amendment has already been allowed that too in the relief portion on the basis of the statement that during the pendency of the suit, the defendant has dispossessed, in my opinion, no prejudice is caused to the defendant-petitioner. Moreover, it cannot be said that courts have no jurisdiction to allow the amendment application which is necessary for the determination of the real controversies between the parties.



Reference may be made in this respect to the decision of the Supreme Court (2009) 10 Supreme Court Cases 84, (2016) 1 Supreme Court Cases 332.

Thus, this civil miscellaneous application has got no merit and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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