

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1581 of 2016**

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Smt. Ragini Devi

.... Petitioner/s

Versus

Sanjay Kumar Sah

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramesh Kumar Choudhary

For the Respondent/s : Mr.

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

2 09-01-2017 Heard the learned counsel, Mr. Ramesh Kumar Choudhary for the petitioner.

Perused the impugned order dated 26.09.2016 passed by Sub Judge, Benipatti in Title Suit No.283 of 2012 whereby the learned Court below has allowed the amendment application filed by the defendant seeking permission to amend the schedule of the written statement.

In view of the above fact that defendant has only sought for amendment in the schedule of the written statement, no prejudice is caused to the plaintiff because it is not the case of the plaintiff that his evidence has been concluded or that he will be prejudiced because he will not get any opportunity to deny the case of the defendant.

In view of the above facts and circumstances of the case that when the court below has exercised the jurisdiction under



Order VI Rule 17 C.P.C., there is no question of prejudice to the plaintiff arises and, therefore, I find no jurisdictional error in the order.

Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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