

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.121 of 2016

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Sk. Nur Mohammad @ Sk. Noor Mohammad Son of Late SK. Sarfuddin Resident
of village - Dumariya, P.S. Raniganj, District - Araria

.... Petitioner

Versus

Md. Akhter Son of Md. Iqbal Resident of village - Dumariya, P.S. Raniganj,
District - Araria

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Pandey No-5, Adv.

For the Respondent/s : Mr. Anil Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-03-2017

Heard the learned counsel for the parties.

By the impugned order, the learned court below
has refused the prayer for amendment in the plaint after finding that
the prayer for amendment was factually incorrect. However, it is also
transparent from the impugned order that the issues in the suit were
not framed till the date of passing the impugned order.

The learned counsel for the petitioner has
categorically submitted that the issues in the suit have not been
framed up-till-now.

After considering the submissions on behalf of the
parties and perusal of the impugned order, this Court is not inclined to
interfere in the impugned order under Article 227 of the Constitution



of India.

The application is, accordingly, dismissed.

However, the dismissal of this application will not prejudice the right of the plaintiff to take appropriate steps, if so advised in accordance with law in the suit itself.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2017
Transmission Date	

