

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24830 of 2013

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1. Lakhraj Rai Son of Late Pratipal Rai Resident of Village: Sasauwa, P.S.: Sidhwalia and District: Gopalganj
 2. Shivraj Rai Son of Late Pratipal Rai Resident of Village: Sasauwa, P.S.: Sidhwalia and District: Gopalganj
 3. Suraj Rai Son of Late Pratipal Rai Resident of Village: Sasauwa, P.S.: Sidhwalia And District: Gopalganj

.... Petitioners

Versus

1. Ramdeo Rai Son of Thakur Rai Resident Of Village: Sasauwa, P.S.: Sidhwaliaa and District: Gopalganj
2. Radha Rai Son of Late Ghinawan Rai Resident of Village: Sasauwa, P.S.: Sidhwalia and District: Gopalganj
3. Ganesh Rai Son of Late Ghinawan Rai Resident of Village: Sasauwa, P.S.: Sidhwalia and District: Gopalganj
4. Chandrawati Devi Daughter of Ram Prasad @ Prasad Rai and Wife Of Babunand Rai Resident of Bansghat Musurie, P.S.: Mohhamadpur, District: Gopalganj

.... Respondents

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Appearance :

For the Petitioners : Mr. Ganpati Trivedi, Advocate
For the Respondent/ : Mr. Nagendra Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 08-12-2017 Heard learned counsel for the petitioners and learned counsel for the respondents.

2. It has been submitted that the court below has rejected the amendment petition only for the reason that it has been filed at a belated stage. Learned counsel for the respondents on the other hand while opposing the amendment, submitted that if this amendment petition is allowed, he may also be allowed to amend his pleading in the plaint and further that no parties be permitted to adduce evidence in the light of amended pleading.



3. In the facts and circumstances of the case and submission of both the parties, the impugned order refusing amendment of written statement is set aside and amendment petition is allowed. The respondent/plaintiff is at liberty to amend his pleading in the light of the amended written statement. However, the appeal shall be decided on the basis of pleading on record as both parties have agreed to get the appeal heard and disposed of on the basis of their evidence available on record.

4. This application is accordingly allowed.

(Sanjay Kumar, J)

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