

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.804 of 2016

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Ramesh Kumar Mandal

.... Appellant/s

Versus

Suresh Kumar Mandal

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 3 17-02-2017 1. Heard the learned counsel for the petitioner and the learned counsel for the respondent.
2. Perused the impugned order dated 20.06.2016 passed by the learned Munsif, Kahalgaon, Bhagalpur in Title Suit No.61 of 2005 whereby the learned Court below rejected the amendment application filed by the plaintiff-petitioner saying that the nature of the suit will change.
3. It appears that the relief is same. By amendment, the plaintiff is now changing the schedule property only.
4. Admittedly, the suit is at the very initial and evidence has not yet started. Therefore, no prejudice will be caused to the defendant-respondent. The Court below, therefore, has wrongly refused to exercise a jurisdiction vested in it by law.
5. Accordingly, this Civil Misc. application is allowed.



The impugned order dated 20.06.2016 is set aside. The amendment application filed by the plaintiff petitioner is hereby allowed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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