

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18565 of 2013

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Krishnadeo Sah @ Krishna

.... Petitioner/s

Versus

Hari Shankar Prasad & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Sinha-3

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-09-2017 Heard the learned counsel for the petitioner.

This writ application under Article 227 of the Constitution of India has been filed by the defendant petitioner for setting aside the order dated 14.09.2012 passed by the learned Addl. Munsif, Sitamarhi in Title Suit No.124 of 1999 whereby the learned Court below allowed the amendment application filed by the plaintiff respondent.

The learned counsel for the defendant-petitioner submitted that at very belated stage, the amendment application has been filed and also very lengthy amendment application has been filed but the Court below without considering the stage of the suit has allowed the amendment application.

From perusal of the impugned order, it appears that the Court below considered the submission of the defendant in the Court below and held that the petitioner is entitled to file



additional written statement and to compensate the defendant, the Court below has also awarded cost.

From perusal of the amendment application, it appears that almost all the amendments sought for by the plaintiffs are formal in nature. So far the stage of the suit is concerned, no doubt it is at the stage of argument of the parties but since the suit is of the year 1999, the Proviso to Order VI Rule 16 is not applicable in the present case as has been held by the Hon'ble Supreme Court reported in *(2007)1 S.C.C. 765*.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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