

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1547 of 2016

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Mangi Lal Sharma

.... Appellant/s

Versus

Narayan Sah

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shobha Nath Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 13-01-2017 Heard the learned counsel for the petitioner and the learned
counsel for the respondent.

Perused the impugned order dated 27.09.2016 passed by
Sub Judge Ist, Araria in Title (Eviction) Suit No.5 of 1991
whereby the learned Court below rejected the amendment
application filed by the defendant-petitioner.

Although it is settled principle of law that the Courts have
wide discretion to allow the amendment at any stage in the present
case.

From perusal of the impugned order, it appears that the
defendant is trying to introduce entirely new case at the stage of
argument of the suit. Eviction suit has been filed in the year 1991
and both the parties have already concluded their evidence. Now,
at this stage, a new fact is sought to be added to the effect that in
fact vacant land was given in tenancy to the petitioner and



thereafter, the petitioner has constructed the building and is residing and is carrying business in the suit premises. At this stage if the amendment is allowed then naturally there will be de novo trial and in fact this is not the real controversy between the parties for the first time at the stage of argument, a new controversy is being tried to be raised by the petitioner.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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