

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.420 of 2017

=====

Birbal Mahto, S/o Mukhlal Mahto, R/o village - Deohara, P.S. Jamhore, District -
Aurangabad (Bihar) Petitioner

Versus

1. Ram Prasad Mahto,
2. Ram Rup Mahto, Both Sons of Late Ram Sunder Mahto, R/o village - Deohara,
P.S. Jamhore, District - Aurangabad (Bihar) Respondents

=====

Appearance :

For the Appellant/s : Mr. Binod Kumar Pandey, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 15-05-2017

Heard the learned counsel for the petitioner.

The defendant is the petitioner in this application under Article 227 of the Constitution of India and is aggrieved by the impugned order by which the learned court below has allowed the prayer for amendment in the plaint as prayed by the plaintiff.

The fact has not been disputed that the amendment has been sought at the stage when the issues in the suit were not framed.

The nature and details of the amendment are explicit from the impugned order where the same has been mentioned elaborately. It does not transpire from those amendments that the nature, scope and cause of action of the suit will change in any manner, if the aforesaid amendments are allowed. Moreover, the defendant-petitioner cannot be a person aggrieved by



the prayer of the plaintiff by way of amendment for impleading the State of Bihar as a party to the suit. The learned court below has rightly come to the conclusion that if the amendments as prayed would be refused it will give rise to multiplicity of proceedings. The learned court below has also allowed the opportunity to the defendant to make amendments in the written statement, if so advised. This Court does not find that the learned court below has committed any error of jurisdiction of material irregularity in passing the impugned order.

The application is accordingly dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2017
Transmission Date	

