

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.67 of 2017**

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Gorakh Singh & Anr

.... Petitioner/s

Versus

Md. Jakir Hussain & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Naresh Chandra Verma

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

3 03-02-2017

Heard the learned counsel for the petitioners.

Perused the impugned order dated 08.11.2016 passed by

Sub Judge I, Civil Judge(Sr. Div.), Hajipur, Vaishali in Title Suit
No.82 of 1988.

It appears that the amendment application has been rejected by the court below on the ground that the suit is at the argument stage which is of the year 1988. The court below also in the impugned order held that the defendant is now trying to change the case pleaded by him with intention to delay the disposal of the suit.

The amendment application has been annexed as Annexure 1 to this civil miscellaneous application. From perusal of this amendment application, it appears that the amendment sought for is only question of law or matter of record. Therefore, the amendment sought for is not at all necessary for determination



of the real controversy between the parties.

The learned counsel for the petitioner submitted that he will not adduce any evidence in support of the pleading if amendment is allowed. If this argument is accepted then the amendment sought for by the petitioner will remain only a pleading and there will be no evidence and in such circumstances, the court will not look into the amendment allowed. Therefore, even if the amendment will be allowed, it will be redundant.

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

(Mungeshwar Sahoo, J)

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