

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4016 of 2014

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Sri Ram Chandra Singh, Son of Late Bhagwat Singh, resident of Village- Kashmir
Ganj, P.S. Masaurhi, District- Patna.

.... Petitioner

Versus

Jagdish Narayan Singh, Son of Late Bhoop Narayan Singh, resident of Village-
Dahi Bhata, P.S. Masaurhi District- Patna.

.... Respondent

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Appearance :

For the Petitioner : Mr. Kamla Prasad Roy, Advocate
Mr. Satya Ranjan Sinha, Advocate
Ms. Seema Kumari, Advocate
For the Respondent : Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 18-04-2018

This writ application has been filed for setting aside the order dated 24.01.2014 passed by learned Subordinate Judge-I, Patna in Title Suit No.277 of 2011 whereby and whereunder the amendment petition filed by plaintiff to amend the plaint was rejected.

2. Heard learned counsel for the petitioner and the respondent.

3. It appears that the petitioner filed the aforesaid suit for specific performance of contract on the basis of a written agreement with respect to the land mentioned in Schedule I of the plaint. The defendant did not appear and the suit was fixed for ex-parte hearing. After closure of evidence of plaintiff when the argument was being heard, the petitioner filed an amendment petition for amendment in



Schedule I of the plaint which was rejected as per impugned order. By proposed amendment, the petitioner wants to delete the details of land as mentioned in Schedule I of the plaint and in its place he wants to substitute by another schedule.

4. Learned counsel for the petitioner submits that the defendant in spite of service of notice did not appear before the court below and the suit proceeded ex-parte. The plaintiff only wants to amend the area mentioned in Schedule I land. As the defendant has not appeared, no prejudice would be caused to the other side.

5. Learned counsel for the respondent, on the other hand, submits that the court below has rightly rejected the amendment at the fag end of trial. The said order does not require any interference under inherent jurisdiction of this court.

6. On perusal of the impugned order, it appears that the plaintiff filed the suit for specific performance of contract on the basis of a written agreement. The court below while rejecting the amendment has observed that no paper has been filed in support of the amendment petition. The plaintiff has already examined his witnesses and adduced documentary evidence. Now he wants to change the area which appears to be against the document of plaintiff. From the observation of the court below given in the impugned order, it appears that no document has been filed in support of amendment



petition.

7. In view of above facts I find that the court below has not committed any error in rejecting the amendment petition. This writ application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

Harish/-

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CAV DATE	
Uploading Date	24.04.2018
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