

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19757 of 2013

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Md. Zahid @ Zahid Hussain S/O Late Abdul Majeed Proprietor Bihar
Timber, Situated At Dr. Rajendra Prasad Road, Near Khalifabagh Chowk,
P.S- Kotwali, District- Bhagalpur.

.... Petitioner

Versus

1. Kaushal Kishore Saha S/O Ganga Prasad Sah Resident Of Mohalla Dr.
Rajendra Prasad Road, Khalifabagh Chowk, P.S- Kotwali, District-
Bhagalpur
2. Ajay Kumar Sah S/O Kaushal Kishore Sah Resident Of Mohalla Dr.
Rajendra Prasad Road, Khalifabagh Chowk, P.S- Kotwali, District-
Bhagalpur
3. Pankaj Kumar Sah S/O Kaushal Kishore Sah Resident Of Mohalla Dr.
Rajendra Prasad Road, Khalifabagh Chowk, P.S- Kotwali, District-
Bhagalpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate
: Mr. Krishna Mohan, Advocate
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 05-01-2018 This application has been filed to quash the order dated

21.08.2013 passed by learned Munsif-II, Bhagalpur in Title

Eviction Suit No.37 of 2011 whereby and whereunder the learned

Munsif allowed the amendment petition of the plaintiff.

2. Heard learned counsel for the petitioner and perused
the impugned order.

3. It appears that the respondents claiming to be owner
of suit premises filed Eviction Suit against the petitioner on the
ground of personal necessity under the provision of Bihar Building



Control Act. The defendants appeared in the suit on 23.02.2012 and as per order dated 19.04.2012 he was granted leave to contest the suit. The defendant filed written statement on 08.05.2011 and after settlement of issues, the trial commenced. In course of trial, the plaintiff filed an amendment petition praying therein to amend the plaint. He prayed to delete the words “two rooms and one tin shed alongwith office etc” and in its place he prayed to add two katchhi huts. The plaintiff prayed to add para-2A in the plaint. The court below considering the simple nature of amendment allowed the amendment subject to payment of cost of Rs.200/-. The main objection of the petitioner is that the amendment petition was filed after much delay which was not tenable. The evidence of plaintiff is going on and as the amendment is simple in nature, it does prejudice the defendant in any way.

4. In view of above, I do not find any merit in this application and the same is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

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