

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1010 of 2018**

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Mohammad Ejaz @ Md. Ejaz @ Md. Aijaj & Ors

.... Petitioner/s

Versus

Brajesh Prasad Singh @ Brajesh Prasad Sinha @ Brajesh Kumar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 25-07-2018

Heard learned counsel for the petitioners.

By the impugned order, learned Sub Judge I, East Champaran, Motihari allowed the amendment petition of the plaintiff.

Learned counsel for the petitioner submits that plaintiff filed the suit but immediately thereafter the plaintiff filed petition for appointment of pleader commissioner. The pleader commissioner submitted his report on 08.05.2018 and on the same day, the plaintiff filed amendment petition making prayer for adding para 34(a), 34(b) and 34(c) and by such amendment, the plaintiff has changed the nature of the suit and, therefore, the order for allowing the amendment is illegal.

It is admitted fact that till the date of allowing the amendment, the defendant did not file written statement. The object of the amendment is that if the same is necessary for



adjudication and determination of dispute between the parties, the same should be allowed. The defendant did not file any written statement till the date of allowing the amendment.

Therefore, I do not find any illegality or jurisdictional error in the impugned order. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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