

IN THE HIGH COURT OF JUDICATURE AT PATNA**Miscellaneous Jurisdiction Case No.3500 of 2016****In****Civil Writ Jurisdiction Case No. 1258 of 2011**

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1. Smt. Ram Sakhi Devi, Wife of Sri Ram Pravesh Sao, Resident of Village- Shahpur, P.O. Daudpur, P.S. Shahpur, Distt Patna.

.... Petitioner/s

Versus

1. Bijendra Sao Son of Sri Baij Nath Sao Resident of Village- Shahpur, P.O. Daudpur, P.S. Shahpur, Distt Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Jha-Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 28-03-2018

C.W.J.C. No.1258 of 2011 was filed under Article

227 of the Constitution of India against an order dated 14.12.2010 passed by the Munsif, Danapur in Title Suit No.58 of 2008, refusing the prayer of the petitioner/ plaintiff to amend the plaint. At the present moment, learned counsel for the petitioner submitted that Title Suit has already been decided and appeal is pending before the 1st Appellate Court.

In the aforesaid background, it did not appear to be prudent to allow restoration of C.W.J.C. No.1258 of 2011, which was dismissed in default on 25.04.2016 as it will cause undue delay as well as adverse impact over the stage of litigation. Apart from this, amendment could be considered at the appellate stage



also and on account thereof, giving an opportunity to the petitioner to pray before the learned Appellate Court, who will pass appropriate order in accordance with law.

Accordingly, M.J.C. No.3500 of 2016 is hereby disposed of.

(Aditya Kumar Trivedi, J)

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