

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2050 of 2017

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1. Harihar Mukhiya, Son of Late Bhuneshwar Mukhiya,
2. Bhikhari Mukhiya, S/o Late Nathu Mukhiya,
3. Sukdeo Sah, S/o Late Baiju Sah, All are resident of Village- Sirauna,
P.S.- Shikarganj, District- East Champaran.

.... Appellant/s

Versus

1. Prem Shankar Singh, Son of Shital Singh, Resident of Village and P.O.-
Sirauna, P.S.- Shikarganj, District- East Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pravin Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 09-08-2018

Heard the learned counsel for the petitioners.

The petitioners have filed this Civil Misc. petition against the order dated 25.08.2017 by which the petition of the plaintiff filed under Order VI Rule 17 for amendment in the plaint has been allowed.

The petitioners are defendants. The learned counsel for the petitioners submits that the plaintiff made prayer for amendment that during the pendency of the suit plaintiff has been dispossessed from the suit land and on such the amendment was allowed. The learned counsel for the petitioners submits that the amendment would change the nature of the suit but I find no substance in the submission of the learned counsel for the



petitioners. The plaintiff asserted by seeking amendment that during the pendency of the suit, he has been dispossessed from the suit land and, therefore, the subsequent development, which happened during the pendency of the suit is allowed to be incorporated by way of amendment.

Thus, I do not find any merit in this Civil Misc. petition. Accordingly, the same is dismissed with liberty to the defendants/petitioners to seek amendment of the written statement or file additional written statement corresponding to the amendment in the plaint, if the petitioners so desire.

(Prabhat Kumar Jha, J)

BKS/Rajan

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