

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.316 of 2018**

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Jivan Modi son of late Tarni Modi Resident of Mohalla Sikandarpur, P.S. Mojahidpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. Kamleshwari Modi and Anr
2. Om Prakash Modi @ Bimal Modi Both sons of late Shiv Prasad Modi Resident of Mohalla Sikandarpur, P.S. Mojahidpur, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwa Nath Chaudhary
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-07-2022 Heard Learned counsel for the petitioner.

Petitioner is plaintiff in the suit filed for declaration of title and recovery of possession. The suit was filed in the year 1990 bearing Title Suit No. 171/1990. The said suit is pending for arguments after closure of evidences of both the parties. At the stage of argument, a petition under Order-6 Rule 17 of the CPC has been filed for amendment in the relief portion on the ground that it would not change the nature of the suit.

The learned trial court after considering the fact that the plaintiff realizing inherent weakness of his case and in order to delay the disposal of the suit has filed the amendment application after commencement of trial and after closure of the evidences of both the parties. The learned trial court has further



taken note that jurisdictional fact regarding due diligence and the reasons, for filing the amendment at a later stage, has not been stated in the amendment application.

I have heard learned counsel for the petitioner and gone through the impugned order. It appears that the learned trial court taking note of the relevant proviso of Order 6 Rule 17 has rejected the application filed by the petitioner/plaintiff for amendment at a later stage and that too after closure of evidence of both the parties. The trial court has not committed any material irregularity and jurisdictional error while passing the impugned order.

Accordingly, this application is rejected.

(Anil Kumar Sinha, J)

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