

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.186 of 2022

=====

Arun Kumar Son of Late Sidhnath Prasad, Resident of Village - Bharpura,
P.S. Sonapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. Sunaina Devi W/o Ramawtar Singh, D/o Late Suresh Singh, Resident of Village - Bharpura, P.S. - Sonapur, District - Saran at Chapra.
2. Mostt. Chhathia Devi, W/o Late Kanhaiya Rai, Resident of Village - Bharpura, P.S. Sonapur, District - Saran at Chapra.
3. Smt. Kanti Devi, W/o Arun Kumar, Resident of Village- Bharpura, P.S. Sonapur, District - Saran at Chapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-06-2022 Heard learned Counsel for the petitioner.

The petitioner is aggrieved by the order, dated 07.09.2021, passed, by learned Munsif, Sonapur, Saran, in Title Suit No. 59 of 2010, whereby the amendment sought by the plaintiffs-respondents for bringing subsequent event has been allowed.

Learned Counsel for the petitioner submits that the plaintiffs-respondents, after five years of the order of injunction in favour of the plaintiffs, have filed a petition for amendment, under Order VI Rule 17 of the C.P.C., stating that during the pendency of the suit and the subsistence of the injunction order, the defendant-petitioner forcibly constructed building over the

suit land in collusion with his associates and dispossessed the plaintiffs from the disputed land; whereas, for violation of the injunction order, the plaintiffs ought to have filed an application under Order XXXIX Rule 2A of the C.P.C. He further submits that there is unexplained delay of five years in filing the amendment petition.

I have gone through the impugned order. From the impugned order, it appears that the learned Court below has allowed the amendment taking into consideration the fact that the plaintiffs have brought the amendment in the suit by which they sought to bring subsequent event/development on record for just decision of the case.

Accordingly, I am of the considered opinion that there is no illegality and/or jurisdictional error in the order allowing the amendment passed by the learned Court below.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

shobha/-

U	✓		
---	---	--	--