

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1323 of 2018

1. Rajan Prasad @ Rajan Kumar Jaiswal Son of Late Gauri Shankar Prasad
2. Sanjay Prasad @ Sanjay Kumar Son of Late Shiv Shankar Prasad
3. Prem Shankar @ Prem Shankar Prasad, Son of Late Lakhan Prasad, All are resident of Sakin Mauza- Harnatha, P.S. Pakridyal, P.O. Harnatha, District- East Champaran.

... .. Petitioner/s

Versus

Hari Shankar Thakur Son of Late Thaga Thakur, resident of Sakin Narnatha, P.S. Pakridyal, P.O. Harnatha, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar Sinha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-09-2022 Heard Mr. Ajay Kumar Singh, learned counsel for the petitioners and Mr. Pravin Kumar, learned counsel for the respondent.

The petitioners are aggrieved by an order dated 02/07/2018 passed by Sub Judge-13, Motihari, East Champaran in Title Suit No. 925 / 2013 by which amendment sought in the plaint by the plaintiff -respondent has been allowed.

Learned counsel for the petitioners submits that earlier also an amendment petition was filed and the same was allowed and now, after filing of the written statement by the defendants- petitioners again the amendment petition has been allowed at a stage when the suit has commenced and plaintiff's witnesses are



being examined.

Learned counsel for the respondent submits that amendment brought by the respondent shall not change the nature of the suit and no prejudice shall be caused to the defendants if the same is allowed. Further submission is that defendants will get an opportunity to file additional written statement and amendment in question is necessary for just and effective decision of the suit.

Having heard learned counsel for the parties and taking into consideration the fact that amendment in question shall not change the nature of the suit and no prejudice shall be caused to the petitioners – defendants accordingly I do not find any infirmity in the impugned order requiring interference by this Court.

This civil miscellaneous application is rejected.

(Anil Kumar Sinha, J)

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