

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1600 of 2018**

=====

Nawal Kishore Giri Son of Upendra Giri resident of Village Sahaya, P.S.
Bhagwanpur, District Vaishali.

... .. Petitioner/s

Versus

Ahilya Devi Wife of Ashok Giri Resident of Village Sahaya, P.S.
Bhagwanpur, District- Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ratan Kumar Sinha, Advocate
For the Respondent/s : Mr.Sanjay Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 05-09-2023 Heard the parties.

2. This application has been filed for quashing of the order dated 04.07.2018 passed by learned court below in Title Suit No. 1279 of 2016 by which learned court below has rejected the application of the petitioner at the very initial stage.

3. Learned counsel for the defendant submits that nature of the suit changes if the present amendment application filed by the petitioner is allowed.

4. In the opinion of this Court, the proposed amendment application filed by the petitioner does not change the nature of the suit. In view of the law laid down by Hon'ble Supreme Court in case of *Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited* reported in *2022 LiveLaw (SC) 729*, this application is allowed. The impugned order



order dated 04.07.2018 passed by learned court below in Title
Suit No. 1279 of 2016 is hereby quashed in the interest of
justice.

Learned counsel for the defendant is given liberty to
file additional written statement, if any.

(Sandeep Kumar, J)

Harsh/

U			
---	--	--	--

