

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.6912/1999

(From the judgement and order dated 12/01/1999 in CR 415/97
of The HIGH COURT OF PATNA)

SHIV SHANKAR PRASAD CHAUDHARY

Petitioner (s)

VERSUS

JAGDISH SANTHALIA (DEAD) BY L.RS & ORS

Respondent (s)

(With Appln(s). for amendment of cause title impleaded as
respondent No.19 and with prayer for interim relief and
office report)

Date : 22/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. D.N. Goburdhan,Adv.
Ms. Pinky Anand, Adv.
Ms. Geeta Luthra, Adv.

For Respondent (s) Mr. Umesh Kumar, Adv.
1,2,4,5,8,9 & 13 Mr Pavan Kumar,Adv.

UPON hearing counsel the Court made the following
O R D E R

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.SP2

I.A.No.2 is allowed.
Leave granted.
The appeal is allowed.

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Sarita (V.P. Tyagi) @@
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COURT MASTER@@
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(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 761 OF 2001@@
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(Arising out of S.L.P.No. 6912 of 1999)

SHIV SHANKAR PRASAD CHAUDHARY .. APPELLANT

VERSUS

JAGDISH SANTHALIA (DEAD) BY LRS. & ORS. .. RESPONDENTS

O R D E R@@
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I.A.No. 2 is allowed.

Leave granted.

The present appeal is directed as against the order passed by the trial court refusing to amend the plaint which is confirmed by the High Court.

Heard learned counsel for the parties.

We do not find any sustainable reason recorded to refuse the amendment. We feel it appropriate, on the facts and circumstances of this case, to permit the said amendment. Accordingly, both the orders passed by the trial court and High Court are hereby set aside. However, we make it clear, all permissible objections on the merits of the pleadings are available to the respondents which they may raise at the trial.

The impleadment as prayed is allowed as it is not in dispute he is party before the trial court.

Accordingly, the appeal is allowed.

.....J.
(A.P. Misra)

New Delhi,
January 22, 2001.

.....J.
(B.N. AGRAWAL)