

Syed Askari Hadi Ali Augustine Imam Vs Harish Reddy and Another

Court: Jharkhand High Court

Date of Decision: Dec. 12, 2005

Acts Referred: Constitution of India, 1950 " Article 227

Citation: (2006) 3 JCR 493

Hon'ble Judges: Narendra Nath Tiwari, J

Bench: Single Bench

Advocate: Amar Kumar Sinha, for the Appellant; Manjul Prasad and Anuj Kumar, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Narendra Nath Tiwari, J.

In this application the petitioner has prayed for quashing the order dated 17.06.2005 passed by the learned

Court below whereby the petitioner's petition for amendment has been partly allowed and partly rejected.

2. Learned Counsel for the petitioner submitted that the impugned order is contrary to law as the Court below has refused the prayer for

incorporation of certain facts which are necessary for the effective adjudication of the controversy between the parties.

3. Mr. Manjul Prasad, learned senior counsel appearing on behalf of the respondents, however, submitted that the Court below has acted

judiciously and has exercised its jurisdiction properly in partly refusing the petitioner's prayer for incorporating the statements which are nothing but

interpretation of certain provisions of law and interpretation of the terms of the documents. Learned Counsel submitted that the said interpretation

and provisions of law are not the relevant facts to be incorporated in a pleading. Learned Court below, after considering the petitioner's

application and the rejoinder as well as the provisions of law has rightly allowed part of the amendment prayed which are material facts for the

purpose of the suit.

4. After going through the record and hearing the learned Counsel for the parties, I find that the Court below has allowed the amendment which

were relevant for the purpose of the suit and has refused to incorporate the statements which were mere interpretation of law or interpretation of

the terms of the agreement.

5. I find no patent error or illegality in the order of the Court below warranting any intervention in exercise of jurisdiction under Article 227 of the

Constitution of India. There being no merit, this writ application is dismissed.