

(1999) 11 AHC CK 0068

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 47408 of 1999

Lal Singh

APPELLANT

Vs

Sohan Lal

RESPONDENT

Date of Decision : 12-11-1999

Acts Referred:

Citation : (1999) 11 AHC CK 0068

Hon'ble Judges : S.R.Singh, J

Judgement

S. R. Singh, J.—An application for amendment of plaint filed in the trial Court has been allowed by the trial Court. The order passed by the trial Court has been maintained in revision by the revisional Court.

2. Having heard learned counsel for the parties. I am not inclined to entertain the petition against an interlocutory order. In my opinion the legality or otherwise of the order passed on the amendment application can be gone into in the appeal, when the matter comes up before the appellate Court after the final judgment and decree that may be passed in the suit. The appellate Court would be in better position to examine the question and pass appropriate orders at the appellate stage. It is not disputed that the amendment can be allowed even at the appellate stage. The orders passed by trial Court would not come in the way of the appellate Court if at all the appellate Court consider it proper to pass such order as it considers just and proper.

3. The writ petition is allowed subject to the above observation.