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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1288 of 2026

Nemeshwar Singh S/o Kapil Ram Sahu Aged About 46 Years R/o Village
 Piparchhedi (Demar) Tehsil And District Dhamtari Chhattisgarh

... **Petitioner(s)**

versus

1 - Ramesh Lal S/o Late Shri Kirtmal Ji Munjwani Aged About 70 Years Caste
 Sindhi R/o Infront Of Golbazar, Motor Stand Ward Dhamtari, Tehsil And
 District Dhamtari Chhattisgarh

2 - State Of Chhattisgarh Through Collector Dhamtari, District Dhamtari
 Chhattisgarh

3 - Khilendra Kumar S/o Kapilram Caste Teli, R/o Village Piparchhedi
 (Demar) Tehsil And District Dhamtari Chhattisgarh

... **Respondent(s)**

For Petitioner(s) : Mr. Pranay Gupta, Advocate

For Respondent(s) : Mr. Rishi Rai Pithwa, Dy.G.A.

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

09/10/2026

1. Heard.
2. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner against the impugned order dated 25.08.2026 passed by the learned Principal District Judge, Dhamtari, District – Dhamtari (C.G.) in Civil Suit No. 4A/2024, whereby the application filed by the petitioner under Order VI Rule 17 of the CPC for amendment in the plaint has been rejected.

3. Learned counsel for the petitioner would submit that the petitioner is the plaintiff No.1 and the respondent No.3 is the plaintiff No.2 before the learned trial Court. The petitioner and the respondent No.3 are prosecuting a suit for declaration of title and permanent injunction over the suit property, i.e. the suit land bearing Khasra No. 504/1, admeasuring 1.20 Hectare, situated at Village - Piparchedi, Tehsil and District - Dhamtari. The plaintiffs are in possession of the suit land; however, when the plaintiffs were in need of the money for their agricultural purposes, they obtained a loan from defendant No.1 for Rs.15,00,000/- and they advanced a loan of Rs.29,00,000/- in various installments and got the sale deed executed in their favour, which was a nominal sale deed executed on 07.01.2021. The possession of the suit land was never handed over to defendant No.1 and the plaintiffs are still in possession of the same. The suit land was mutated in the name of defendant No.1 on the basis of the said nominal sale deed dated 07.01.2021 and he tried to dispossess the plaintiffs from the suit land, for which the suit has been filed. He would further submit that during the pendency of the suit, an application has been filed by the plaintiffs under Order VI Rule 17 of the CPC for amendment in the plaint. With respect to the amendment, it was proposed that if it is found that the plaintiffs are not in possession of the suit land, possession of the suit land may be delivered to the plaintiffs and accordingly, the valuation was also sought to be amended. He would further submit that the learned trial Court has rejected the application of the plaintiffs, holding that the proposed amendment is inconsistent with the original pleading made by the plaintiffs in the plaint. He would further submit that there is no inconsistent pleading sought to be

amended in the plaint, as the proposed amendment is a clarification and a subsequent development in the suit, which does not change the nature of the suit nor would the jurisdiction of the learned trial Court be changed. Therefore, the said pleading may be allowed to be incorporated in the plaint.

4. I have heard learned counsel for the petitioner and perused the documents annexed in the plaint.
5. From perusal of the copy of the plaint (Annexure P/2) annexed with the petition, it transpires that the plaintiffs have claimed that he are in possession of the suit land, though a sale deed was executed on 07.01.2021 in favour of defendant No.1. In the plaint, the plaintiffs have specifically claimed that he is in possession and that possession of the suit land was never handed over to defendant No. 1. The sale deed is only a nominal sale deed in lieu of the loan transaction between them. In the plaint, the plaintiffs have only claimed declaration of title and permanent injunction. From perusal of the application filed by the plaintiffs under Order VI Rule 17 read with Section 151 of the CPC, Annexure P/4, it transpires that the plaintiffs have proposed the amendment to be incorporated in Para 5A of the plaint to the effect that defendant No.1 is claiming possession over the suit land and if it is found by the learned trial Court that defendant No.1 in possession of the suit land, the same may be delivered to the plaintiffs and they have claimed possession over the suit land.
6. The pleadings made by the plaintiffs in the plaint as well as in the proposed amendment are mutually inconsistent in view of the subject transaction, as has been disclosed by the plaintiffs in the suit. The

claim of the plaintiffs is founded on the fact that they are in possession, and now they have deviated from his pleading in the plaint on the premise that, if it is found that the plaintiffs are not in possession of the suit land, possession may be delivered to them, which is a mutually inconsistent plea that the plaintiffs want to incorporate in the plaint. Further, the issues have been framed and the case has been fixed for the plaintiffs' evidence. The said amendment application cannot be entertained when the trial of the case has already commenced.

7. The learned Court has rejected the application on the ground that the plaintiffs sought amendment in the plaint which is inconsistent with his original pleading and the same cannot be permitted. After having gone through the entire material produced by the petitioner in the petition, this Court does not find any jurisdictional error or illegality in rejecting the application filed by the petitioner.
8. Accordingly, the writ petition fails and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE