

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 535 of 2015

Jugru S/o Late Shri Ram Singh Aged About 45 years Resident Of Village - Nakti, Post Office- Mana Camp, Tahsil And District- Raipur (Chhattisgarh)

---- Petitioner

Versus

1. Premlal S/o Jagtu Aged About 55 Years Resident Of Village- Nakti, Post Office - Mana Camp, Tahsil And District - Raipur (Chhattisgarh)
2. Pawan S/o Premlal Aged About 35 Years Resident Of Village- Nakti, Post Office - Mana Camp, Tahsil And District - Raipur (Chhattisgarh)
3. State Of Chhattisgarh, Through The Collector, Collectorate Office, Behind Court, Raipur (Chhattisgarh)

---- Respondents

For Petitioner	-	Shri C.K. Sahu, Advocate
For Respondent/State	-	Ms. Sunita Jain, Panel Lawyer

Order On Board

20/07/2015

Heard.

1. This petition, under Article 227 of the Constitution of India, is preferred against order dated 24.06.2015, by which, petitioner's application for adding and substituting issues has been rejected.
2. Learned counsel for the petitioner submits that for just, proper and complete adjudication of controversy involved in the suit, addition of proposed issue in substitution of existing issue No.2 is necessary.
3. Submission of learned counsel for the petitioner is that after filing of the written statement by defendants, the plaintiff came to know that the defendants have traced source of their title, on the basis of earlier transaction of sale allegedly creating right in favour of the vendor followed by sale transaction under registered sale deed in favour of the defendants.
4. The issues, in the case, have already been settled by the Court below as back as on

27.11.2012, as apparent from the impugned order. The petitioner plaintiff, despite having full notice and knowledge of these facts, woke up to file application after 2 ½ years. Otherwise also issue No.2 is very apprehensive and no miscarriage of justice is likely to be caused. Therefore, there is no illegality in the order and the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha