

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 704 of 2015

1. Sahodari W/o Kunjbihari Aged About 47 Years R/o Village Madaneshvarpur Police Station & Tahsil Ramanujnagar, (Earlier Tahsil Was Surajpur) District Surajpur Chhattisgarh

---- Petitioner

Versus

1. Babulal S/o Late Sahdeo Rajvar Aged About 52 Years R/o Village Madaneshvarpur Police Station & Tahsil Ramanujnagar (Earlier Tahsil Was Surajpur) District Sarguja Chhattisgarh
2. Somarsai S/o Late Sahdeo Rajvar Aged About 42 Years R/o Village Madaneshvarpur Police Station & Tahsil Ramanujnagar (Earlier Tahsil Was Surajpur) District Sarguja Chhattisgarh
3. Bhaiyalal S/o Late Sahdeo Rajvar Aged About 37 Years R/o Village Madaneshvarpur Police Station & Tahsil Ramanujnagar (Earlier Tahsil Was Surajpur) District Sarguja Chhattisgarh
4. State Of Chhattisgarh, Through Its Collector Sarguja, Ambikapur Chhattisgarh

---- Respondents

For Petitioner.	: Shri Suresh Pandey, Advocate.
For Respondent/State.	: Ms. Sunita Jain, Panel Lawyer.

Order On Board

31/08/2015

Heard on admission.

1. This petition has been filed by petitioner assailing the correctness and validity of order dated 13.05.2015, passed by the learned trial Court by which amendment application has been rejected.

2. Learned counsel for the petitioner argues that the kind of relationship which existed between the executant of the sale deed and the beneficiaries is necessary to establish that sale deed was issued on extraneous consideration. This fact earlier could not be informed to the counsel.

3. I find that detail pleadings in paragraph-3 of the plaint have been made. What the petitioner seeks to plead through the proposed amendment are all matters of evidence which need not be pleaded. Once the basic pleadings have been made, the evidence in that regard is not required to be again pleaded. The amendment, apart from the reasons as assigned by the Court below, appears to be unnecessary and superfluous. In the opinion of this Court, no miscarriage of justice would be caused even if application is not allowed.

4. Therefore, I am not inclined to interfere with the impugned order though for different reasons. It would be open for the petitioner to file supplementary affidavit as required under Order 18 Rule 4 CPC.

5. The petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

Judge