

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 1000 of 2015**

Bachchu Ram S/O Bitul Ram, Aged About 70 Years R/O
Village Dohna, Post Sihar P.S. & Tahsil Shankargarh, Civil
District Surguja, Revenue District Balrampur Ramanujganj
Chhattisgarh.....(Plaintiff)

---- **Petitioner**

Versus

1. Smt. Patango W/O Jaklu Ram, Aged About 40 Years R/O Village
Bachwar, P.S. & Post Shankargarh, Civil District Surguja
Revenue District Balrampur Ramanujganj,
Chhattisgarh.....(Defendant)
2. State Of Chhattisgarh, Through Collector Balrampur
Ramanujganj, Civil District Surguja, Revenue District Balrampur
Ramanujganj Chhattisgarh.....(Defendant)

---- **Respondents**

Ms. Priyanka Mehta, counsel for the petitioner.
Shri Aditya Sharma, Panel Lawyer for the State/respondent
No.2.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board**

01.12.2015

Heard.

2. It is submitted on behalf of the petitioner that vide order dated 02.11.2015, the trial Court dismissed the prayer made by him for amendment. It is submitted that the amendments sought were to rectify the clerical error and though the same already exists in the plaint. The prayer to amend the plaint is to clarify the facts already in the plaint and looking to the order of the Court below, the Court below already held that the amendment sought by the plaintiff is logical. With the above observation and facts regarding prayer for amendment, prima facie, there is no any justifiable reasons to reject the prayer, hence, the petition may be heard and disposed of finally without even noticing the respondents.

3. On due consideration, prayer made in this behalf by the petitioner is appropriate and as per the entire facts, notice to respondent No.1 is not required and the petition is liable to be heard and disposed of finally at the motion stage itself.

4. On behalf of the petitioner it is submitted that the Court below appreciated that the amendment sought is logical, also that the facts mentioned in the application for amendment and facts remained in the plaint goes to show that amendment sought to correct the clerical mistake and also since the amendment sought is to clarify the pleadings already in the record, in the considered view of this Court, even on the facts of the record, order passed by the Court below is illegal and without propriety and the same requires interference. Order dated 02.11.2015 passed by the Court below is hereby set aside. The Court below is directed to allow the prayer of the petitioner/plaintiff for amendment in the plaint and after opportunity to the defendant for any consequential amendment, the matter be proceeded in accordance with law and be disposed of .

6. The petition is disposed of accordingly. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE