

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 649 of 2015

Bhupesh Yadav S/o Late Shri Suresh Kumar Yadav Aged About 32 years R/o
Raman Mandir Ward, Kumhar Para, Fafadih, Raipur, District Raipur
(Chhattisgarh)

---- Petitioner

Versus

1. Mussammat Jayaben W/o Late Shri Harjeevanlal Aged About 65 Years R/o
Behind Vijay Decoration, Khairagarh Road, Post & Tahsil Dongergarh, District
Rajnandgaon (Chhattisgarh)
2. Krishna Kumar Soni S/o Late Shri Ganga Prashad Soni Aged About 38 Years R/o
Kumharpara, Dongergarh, Post & Tahsil Dongergarh, District Rajnandgaon,
(Chhattisgarh)

---- Respondents

For Petitioner - Shri Yogesh Pandey, Advocate

Order On Board

12/08/2015

Heard on admission.

1. This petition is directed against order dated 04.02.2015 by which petitioner's application for amendment has been rejected.
2. Learned counsel for the petitioner submits that after death of his father, petitioner was substituted as legal representative and thereafter, he has moved application to bring on record pleadings that by virtue of a will executed, in his favour, by his father, he is now entitled to succeed to the entire property.
3. The issue raised in the suit is not with regard to petitioner's claim of succession by will to the execution of other heirs of his father but the claim of his father of having succeeded to property in dispute on the basis of a will alleged to be executed in his favour. The pleadings sought by way of amendment has the effect the introducing new

claim which is not the subject matter of the suit. The Court below, therefore, rightly rejected the petitioner's application. Accordingly, the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha