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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 324 of 2016**

- Madanlal S/o Harinam Sahu, Aged About 40 Years R/o Village Sakriya, Post Bachrapodi, Police Station Khandgawa, Tehsil Manendragarh, District Koriya, Chhattisgarh.

---- Petitioner**Versus**

1. Kuldeep Narayan S/o Ramdulare Sahu, Aged About 32 Years Occupation Agriculturist, R/o Village Sakriya, Police Station Khandgawa, Tehsil Manendragarh, District Koriya, Chhattisgarh.
2. Prabhu Narayan, S/o Harinam Sahu, Aged About 45 Years
3. Hemchand, S/o Prabhu Narayan, Aged About 27 Years

Respondent No.2 & 3 are R/o Village Sakriya, Post Bachrapodi, Police Station Khandgawa, Tehsil Manendragarh, District Koriya, Chhattisgarh.

---- Respondents

For Petitioner : Shri Rajkumar Pali, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/07/2016**

1. Defendant No.2 has preferred this petition under Article 227 of the Constitution of India to challenge the order passed by the trial Court on 26-2-16, rejecting his prayer for permission to amend the written statement under Order 6 Rule 17 CPC.
2. A reading of the impugned order and other documents annexed with the writ petition would indicate that the petitioner sought permission to amend the written statement because during cross-examination of defendant No.1, he made statement against defendant No.2/petitioner. While dismissing the

prayer for permission to amend the written statement, the Court has observed that the petitioner would be at liberty to cross-examine the defendant No.1 thus, the trial Court has sufficiently protected petitioner's interest in the suit.

3. At this stage, learned counsel would submit that defendant No.1 has already been examined on 18-1-13, whereas the impugned order has been passed on 26-2-16, therefore, the trial Court should have directed defendant No.1 to remain present for cross-examination by the petitioner.
4. In view of the observation made by the trial Court in the impugned order itself, the petitioner would be at liberty to move an application for recalling of defendant No.1 for his cross-examination by the petitioner/defendant No.2.
5. Accordingly, the writ petition stands disposed of.

Sd/-

Judge
Prashant Kumar Mishra

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