

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No.451 of 2016

Shekh Multan S/o Late Shekh Subhan aged about 56 years, R/o
Tarbahar Bilaspur, Tah. & Dist. Bilaspur C.G.

---- Petitioner

Versus

1. Sunni Nagina Masjid Tarbahar Throgh Sadar Trust Sunni Nagina Masjid Tarbahar, Tah. & Dist. Bilaspur CG
2. Municipal Corporation Bilapsur CG through Commissioner, Municipal Corporation, Bilaspur CG
3. State of C.G. Through Collector Bilaspur, Tah. & Dist. Bilaspur CG

---- Respondents

For Petitioner : Mr.Amit Kumar, Advocate
For Respondent : Mr.Ahmad Hussain, Advocate
For Respondent No.2 : Ms Pushpa Dwivedi, Advocate
For State : Mr.Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/11/2016

1. By the impugned order, the trial Court has rejected the application filed by the petitioner/plaintiff under Order 6 Rule 17 of the CPC finding no merit.
2. Learned counsel for the petitioner would submit that trial has not commenced and proposed amendment is necessary for just and proper disposal of the suit .
3. On the other hand, learned counsel appearing for respondent No.1 would oppose the writ petition.
4. After hearing learned counsel appearing for the parties and

taking into consideration that even trial has not commenced, proposed amendment is necessary for just and proper for disposal for the suit and to decide the real controversy involved in the suit and the fact that trial is at initial stage, I deem it expedient to allow the application.

5. Accordingly, the order impugned is hereby set aside. Amendment be incorporated within a period of ten days from today subject to payment of cost of Rs.1000/- to defendant No.1. The trial Court is directed to expedite the trial and conclude the same as early as possible.
6. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-
(Sanjay K Agrawal)
Judge

B/-