

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 636 of 2016

1. Shrikant Sharma S/o Late Babulal Sharma Aged About 50 Years
2. Suryakant Sharma S/o Late Babulal Sharma Aged About 43 Years

R/o Vidyanagar Near Shiv Mandir Bilaspur Tahsil And District Bilaspur, (Chhattisgarh). Present Address Is :- 2 U 502 Shalimar Township A.B. Road Indore (M.P.).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector Bilaspur, District-Bilaspur, (Chhattisgarh).
2. Bilaspur Vikas Pradhikaran Through Chief Executive Officer Bilaspur Vikas Pradhikaran Bilaspur, (Chhattisgarh).
3. Registrar Bilaspur, District, Registrar Office Composite Building Bilaspur, (Chhattisgarh).
4. Rahul Bajpai S/o Shri Rohani Kumar Bajpai Aged About 48 Years R/o Near Chhattisgarh School Jail Road Bilaspur Tahsil And District-Bilaspur, (Chhattisgarh).

---- Respondent

For Petitioners	Mr. Aishwarya Pandey, Advocate
For Respondent /State	Ms. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

21/12/2016

1. Heard.
2. It is argued by learned counsel for the petitioner that the trial Court has rejected the plaintiff's application for amendment in the plaint only on the ground of delay wholly ignoring the fact

that the delay has occasioned on account of the trial being stayed by the trial Court itself because of the pendency of another civil suit and further that defendants 1 & 2 in the present suit have not yet filed their written statements, therefore, the proviso to Order 6 Rule 17 of CPC is not attracted.

3. Considering the entire facts situation of the case, it appears the ends of justice would be served if the petitioner is permitted to amend the plaint subject to imposition of cost to compensate the other party.
4. Accordingly, the writ petition is allowed and the prayer for amendment made by the petitioner is allowed subject to payment of cost of Rs.2000/- to the appearing defendants within a period of 15 days from today.

Sd/-

Judge

(Prashant Kumar Mishra)

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