

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 1089 of 2015**

- Mahavir Prasad Kedia S/o Shri Badri Prasad Kedia Lal, Aged About 58 Years R/o Village Indira Comercial Complex Plot No. 320 Transport Nagar Korba, District Korba (Chhattisgarh).....(Defendant. No.1)

---- Petitioner**Versus**

1. Moti Lal Sahu S/o Late Nandlal Sahu, Aged About 50 Years.....
(plaintiff)
2. Manilal Sahu, S/o Late Nandlal Sahu, Aged About 45 Years

Both R/o Ward No. 4, Purani Basti, Korba, Thana & Tahsil District Korba
(Chhattisgarh)..... (Defendant No. 2)

---- Respondents

For Petitioner	:	Shri Ravish Verma, Advocate
For Respondent No.1	:	Shri AK Swarnakar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****08/08/2016**

1. In a suit between the landlord and tenant for eviction of the petitioner from the suit premises, the defendant/petitioner has moved an application under Order 6 Rule 17 CPC for amending the written statement to deny the relationship of landlord and tenant and also to plead that the premises is not the self acquired property of the plaintiff, but it is his ancestral property.
2. Having heard learned counsel for the parties, the trial Court has rightly rejected the prayer for amendment, inasmuch as, if the amendment is allowed, the suit for eviction will be converted into a suit wherein the plaintiff will be required to prove his title. Even otherwise, co-owner of the premises

is entitled to move suit for eviction against the tenant, if other co-owners are not objecting. There is no such situation in this case wherein the other co-owners are objecting to the suit preferred by the plaintiff.

3. There being no error of jurisdiction in the impugned order, the writ petition is dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Ashu