

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 537 of 2016**

1. Anandram S/o Shri Bharat Lal Kashyap, Aged About 55 Years
2. Premsagar, S/o Bharat Lal Kashyap, Aged About 40 Years
3. Bharat Lal S/o Late Shri Jaylal Kashyap, Aged About 70 Years

All are by Caste- Kurmi, R/o Village Kasdol, At Parsent Village Bhadra, Thana & Tahsil Kasdol, Civil & Revenue District Balodabajar, Bhatapara Chhattisgarh

---- Petitioners**Versus**

1. Panna Lal S/o Shri Bharat Lal Kashyap, Aged About 57 Years R/o Village Kasdol, Thana & Tahsil Kasdol, Civil & Revenue District Balodabajar, Bhatapara Chhattisgarh
2. State Of Chhattisgarh Through Collector Baloda Bajar Civil And Revenue Distirct Baloda Bajar Bhatapara Chhattisgarh

---- Respondents

For Petitioners	:	Shri Sunil Sahu, Advocate
For Respondents-State	:	Shri Arun Sao, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/09/2016**

1. The trial Court has rejected petitioners'/defendants' application under Order 8 Rule 1 (3) CPC refusing to grant leave to file additional document.
2. The plaintiff has filed a suit for declaration, permanent injunction, partition and separate possession in respect of 9 decimal land as mentioned in para 13.3f of the plaint. The plaintiff has stated that a partition in regard to other joint family property has already taken place. The defendants have also stated in para 7 of the written statement that a partition has already taken

place between the parties.

3. Statement of plaintiff Panna Lal and his witness Mahipat was earlier recorded before the Tehsildar, wherein also they have admitted that a partition has already taken place in the family.
4. It is the stand of the petitioners that plaintiff Panna Lal has made inconsistent statement before the revenue authority and in the plaint, therefore, the document is relevant.
5. Having perused the documents, it does not appear to this Court that the statement is so relevant or important that the petitioners' defense cannot be established in the suit. Panna Lal's statement before the Tehsildar was recorded way back in the year 2014 as mentioned in para 6 of the plaint. Thus, the petitioners were aware of the statement, yet they did not file the document along with the written statement.
6. Considering the entirety of the facts and circumstances of the case, in the considered opinion of this Court, the trial Court has not committed any illegality or irregularity in rejecting the prayer.
7. There is no substance in the writ petition. It deserves to be and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Ashu