

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 349 of 2016**

1. Rameshvar Prasad Sahu, S/o Late Shobharam Sahu, aged about 54 years,
2. Upendra Kumar @ Barsati Sahu, S/o Shri Rameshvar Prasad Sahu, aged about 34 years;
3. Bhupendra Kumar @ Umesh @ Muchchu Sahu, S/o Shri Rameshvar Prasad Sahu, aged about 29 years.
4. Ramkunwar @ Mankunwar Sahu, W/o Shri Rameshvar Prasad Sahu, aged about 51 years;

All R/o Village Beeja Tahsil Takhatpur, District Bilaspur
(C.G.) Defendants

---- **Petitioners**

Versus

1. Smt. Kanti Bai Sahu, W/o Parasram Sahu, aged about 64 years, R/o Puja Building, Amala Chowk Barela, Tahsil Mungeli Then District Bilaspur, now District Mungeli (C.G.)
2. State of Chhattisgarh, Through Collector Bilaspur, now Collector Mungeli, District Mungeli (C.G.)Plaintiffs

---- **Respondents**

For Petitioners : Mr. S.K. Pandey, Advocate.
For Respondent No.1 : Mr. Atanu Ghosh, Advocate.
For Respondent No.2/State : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/10/2016

Heard on admission.

(1) The trial Court decreed the suit of the plaintiff. The defendants preferred first appeal thereagainst. The First Appellate Court remanded back the matter to the trial Court, in

which, the defendants preferred application under Order 6 Rule 17 of the CPC for amendment before the trial Court, that has been rejected by the trial court by order impugned dated 23.04.2016, against which the instant writ petition has been filed by the petitioners questioning the same.

(2) After hearing learned counsel appearing for the parties at length and after perusing the order impugned, this Court is of the opinion that the trial Court has clearly held that petitioner/defendant cannot be allowed to withdraw the admission made in the written statement {See *Modi Spinning & Weaving Mills Co. Ltd. Vs. M/s Ladha Ram & Co*¹.}, I do not find any illegality in the order impugned warranting interference by this Court in this writ petition.

(3) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-