

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 199 of 2017

Devnarayan Satnami S/o Late Siyaram Satnami, Aged About 40 Years R/o Village Bodal, Tahsil Patan, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. Dhananjay Khewar S/o Devnarayan Khewar, Aged About 17 Years Minor Represented Through Mother I. E. Smt. Dayavati Khewar, Aged About 33 Years, R/o Village Bodal, Tahsil Patan, District Durg, Chhattisgarh.
2. Ku. Deepsikha Khewar, D/o Devnarayan Khewar, Aged About 16 Years Minor Represented Through Mother I. E. Smt. Dayavati Khewar, Aged About 33 Years, R/o Village Bodal, Tahsil Patan, District Durg, Chhattisgarh.
3. Ku. Vineeta Khewar S/o Devnarayan Khewar, Aged About 15 Years Minor Represented Through Mother I. E. Smt. Dayavati Khewar, Aged About 33 Years, R/o Village Bodal, Tahsil Patan, District Durg, Chhattisgarh.
4. Ravishankar S/o Ram Ashish Singh Rajput, Aged About 45 Years Resident Of Zone 01, Khursipar, Bhilai, Tahsil And District Durg, Chhattisgarh.
5. State Of Chhattisgarh Through Collector Durg, Tahsil And District Durg, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Jitendra Gupta, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/03/2017

Heard.

1. This petition under Article 227 of the Constitution of India is directed against order dated 14.2.2017 by which application for amendment filed by the petitioner/defendant No.2 has been rejected.
2. Learned counsel for the petitioner submits that initially, while filing written statement in the suit, the petitioner/defendant No.2 erroneously admitted the allegation of plaint, but later on, upon realization that mistake has been committed and it would affect petitioner's right also, petitioner bonafide sought

to amend the pleadings in written statement to contest the claim.

3. After going through the contents of the application for amendment and the case of the petitioner, it appears that the petitioner has earlier filed written statement and admitted claim of the plaintiff. There is no weighty reason assigned by the petitioner which would satisfy the Court to allow the petitioner to change his stand in the present case. It appears that the petitioner has now attempted to take somersault and raise defence which was never raised by him while filing his plea. Therefore, no illegality or irregularity has been committed by the Court below in rejecting petitioner's application for amendment.
4. I do not find any merit in the petition. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge