

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.290 of 2017

Baburao Sedagey, 67 years (now 70 years), S/o Late Ganpat Rao Sedagey, R/o Nathani Gali, Near Lalit Mishra House, Kailashpuri, Raipur
(Defendant)
---- Petitioner

Versus

Subhash Kumar Sedagey, 54 years, claiming to be S/o Late Daulat Rao Sedagey, Biological S/o Shanker Rao Dhekale, R/o H.No. # 60/257, Idgaah Bhaatha, Thakur Pyarelal Ward, Raipur
(Plaintiff)
---- Respondent

For Petitioner:	Mr. Raja Sharma, Advocate.
For Respondent:	Mr. Raghavendra Pradhan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/07/2017

1. Learned counsel for the petitioner submits that the petitioner may be allowed to file a duly constituted application for amendment before the trial Court complying the proviso to Order 6 Rule 17 of the CPC, as he had already filed an affidavit that the judgment passed earlier was not in the knowledge of the petitioner, therefore, he could not prefer application for amendment before the commencement of trial.
2. Considering the affidavit filed by the petitioner, it would be expedient to allow the petitioner to file a duly constituted application before the trial Court and in that event, the trial Court shall consider the same strictly in accordance with law, expeditiously, without being influenced by the order passed on 13-2-2017. It is ordered accordingly.
3. With the above observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge