

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.309 of 2017**

Lakshman Sahu S/o Naresh Sahu, Aged About 55 Years Resident Of Village Madhi, P.S.Dharsiva, Tahsil Tilda, District Raipur (Chhattisgarh).

---- Petitioner**Versus**

1. Ranjeeta D/o Shri Mahesh Kumar Baghel, Aged About 31 Years R/o Village Tiwraiya, P.S. Dharsiva, District Raipur (Chhattisgarh).
2. Ravikant Baghel, S/o Shri Mahesh Kumar Baghel, Aged About 33 Years R/o Village Madhi, P. S. Dharsiva, Tahsil Tilda, District Raipur (Chhattisgarh) At Present Mova Raipur P.S. Mova Pandri, District Raipur (Chhattisgarh).
3. State Of Chhattisgarh, Through The Collector, Raipur (Chhattisgarh).

--- Respondents

For Petitioner	:	Mr. Somnath Verma, Advocate
For State	:	Mr. Arun Sao, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

19/04/2017

(1) By the impugned order dated 04.03.2017, the application under Order 6 Rule 17 of CPC for amendment in the plaint filed by the respondents/plaintiffs No.1 & 2 has been allowed by the trial Court against which, the writ petition under Article 227 of the Constitution of India has been preferred by the petitioner/defendant herein.

(2) Learned counsel appearing for the petitioner/defendant submits that the application for amendment of suit for title is barred by

limitation, therefore, application for amendment should not have been allowed by the trial Court. He further submits that his application under Order 7 Rule 11 of CPC is pending consideration, which has not been considered till now, though it was filed prior to filing of the application for amendment.

(3) The trial Court has clearly held that the suit is at initial stage and the amendment will not change the nature of the suit and thereby allowed the application for amendment.

(4) After hearing learned counsel for the parties and considering the fact that the trial court has assigned sufficient and valid reasons in allowing the application for amendment as the suit is at initial stage in which, I do not find any jurisdictional error in the impugned order passed by the trial Court. However, the trial Court is directed to consider and decide the application under Order 7 Rule 11 of CPC filed by the petitioner/defendant expeditiously before proceeding the suit.

(5) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-