

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.332 of 2017**

1. Smt. Vijay Laxmi Sharma W/o Shri Pramod Kumar Sharma, Aged About 47 Years Caste Brahman, Director/ Principal, Mothers Care Nursery School, Through Minimata Higher Secondary School, Sector-3, District Korba (Chhattisgarh)
2. Pramod Kumar Sharma, S/o Late Govind Prasad Sharma, Aged About 58 Years Occupation Service, Balco, Caste Brahman, R/o House No. 254- B/ Sector- 1, Balco Nagar, Korba, Tahsil & District Korba (Chhattisgarh)
3. Smt. Nirmala Sahu, W/o Shri Ramgopal Sahu, Aged About 40 Years Caste- Sahu, Assistant, Mothers Care Nursery School Through Minimata Higher Secondary School, Sector- 3, District Korba (Chhattisgarh)
4. Kumari Nimmi Sahu, D/o Shri Roop Rai Sahu, Aged About 22 Years Caste Sahu, Presently At Mothers Care Nursery School Through Minimata Higher Secondary School, Sector- 3, District Korba. Civil & Revenue District Korba (Chhattisgarh)

---- Petitioners**Versus**

Dushyant Kumar Sharma S/o Late Bhojram Sharma, Aged About 59 Years Caste Brahman, Secretary, Kalyan Shiksha Samiti, Balco Nagar (Minimata Higher Secondary School, Sector- 3), District Korba (Chhattisgarh)

--- Respondent

For Petitioners	:	Mr. Hari Agrawal, Advocate
For Respondent	:	Mr. Amit Sharma, Advocate

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

08/05/2017

(1) This writ petition has been filed by the petitioners/defendants calling in question the order dated 20.04.2017 passed by First

Additional District Judge, Korba in Civil Suit No.19-A/2015 by which the respondent/plaintiff's application under Order 6 Rule 17 has been allowed.

(2) Learned counsel appearing for the petitioners/defendants would submit that the impugned order is prejudice the defense of the petitioners/defendants and change the nature of the suit.

(3) I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

(4) The trial Court has clearly recorded a finding that such an amendment is necessary for just and proper disposal of the suit.

(5) 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, I do not find any jurisdictional error in the impugned order. However, the petitioners/defendants are at liberty to make consequential amendment in the written statement and they are also free to lead their evidence as the plaintiff has already closed his evidence.

(6) With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-