

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (227) No.364 of 2017**

1. M/s Madhoram & Sons Partnership Firm, Through Partner No. 1 Santosh, S/o Late Madhoram Gupta, Aged About 64 Years, R/o Goshala Road, Handi Chowk, Raigarh, Tahsil And District Raigarh (Chhattisgarh)
2. Mahveer Gupta, S/o Late Vishnu Swaroop Gupta, Aged About 40 Years R/o Goshala Road, Handi Chowk, Raigarh, Tahsil And District Raigarh (Chhattisgarh)

**---- Petitioners****Versus**

1. Jaiprakash S/o Late Ramkumar Agrawal, Aged About 62 Years R/o Danipara, Raigarh Tahsil And District Raigarh (Chhattisgarh)
2. State Of Chhattisgarh Through Collector, Raigarh, District Raigarh (Chhattisgarh)

**---- Respondents**

For Petitioners : Mr. Y.C. Sharma, Advocate  
 For State : Mr. Arun Sao, Dy.A.G.

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

**19/05/2017**

(1) Learned counsel appearing for the petitioners submits that no reasons have been assigned by the appellate Court for declining to permit the petitioners to raise the grounds mentioned in clause 17(A),(B),(C) & (E) in memo of appeal and the application under Order 6 Rule 17 read with Section 151 of CPC for amendment has been partly rejected by its impugned order dated 29.04.2017, therefore, the impugned order deserves to be

set-aside.

(2) I have learned counsel for the petitioner and perused the impugned order with utmost circumspection.

(3) A careful perusal of the grounds mentioned in the application under Order 6 Rule 17 read with Section 151 of CPC for amendment, it would appear that all the grounds raised in the application are the legal grounds, therefore, the petitioners are at liberty to raise all the grounds mentioned in the said application at the time of hearing before the appellate Court.

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

Sd/-

**(Sanjay K. Agrawal)**  
Judge

L/-