

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Writ Petition (227) No.479 of 2017**

1. Bhateri Bai, W/o Shri Hukumchand, aged about 65 years, Resident of Village Santpali, Police Station and Tahsil Basna, District Mahasamund (CG).
2. Nathuram, S/o Ramlal, aged about 45 years, resident of village Santpali, Police Station and Tahsil Basna, District Mahasamund (CG).

**---- Petitioners**

**Versus**

1. Dayalal, S/o Shri Sambhunath, aged about 55 years, resident of village Santpali, Police Station and Tahsil Basna, Patwari Halka No.14, District Mahasamund (CG).
2. State of Chhattisgarh, through Collector Mahasamund, Tahsil and District Mahasamund (CG).

**---Respondents**

For Petitioners : Mr.Ravi Kumar Bhagat, Advocate  
For State : Mr. Gary Mukhopadhyay, Dy.G.A.

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

**17/07/2017**

(1) By the impugned order dated 06.04.2017, the trial Court has rejected the petitioners' application under Order 6 Rule 17 of CPC for amendment in their written statement.

(2) Learned counsel appearing for the petitioners would submit that the proposed amendment in their written statement is necessary for proper adjudication of the civil suit, which will not change the nature of the suit and the trial Court has committed jurisdictional error in rejecting the application under Order 6 Rule 17 of CPC and therefore, it deserves to be set-aside.

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

(4) The trial Court has given sufficient and valid reasons in rejecting the application and relying upon the judgment of Supreme Court in the matter of **Vidyabai & Others V. Padmalatha & another**.<sup>1</sup> Since the trial has already commenced and there is total non-compliance of proviso to Order 6 Rule 17 of CPC, therefore, I do not find any jurisdictional error in the impugned order.

(5) Consequently, the writ petition deserves to be and is accordingly dismissed. No order as to cost(s).

Sd/-

(**Sanjay K. Agrawal**)  
Judge

L/-

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<sup>1</sup> (2009) 2 SCC 409