

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.487 of 2017

- Ramkripeshwar Upadhyay, S/o Shri Pramanand Upadhyay, aged about 32 years, R/o Mahavir Swami Chowk, Main Road, Kawardha, Civil and Revenue District Kabirdham (CG).

---- Petitioner

Versus

1. Gajendra S/o Shri Goverdhan, Caste Kurmi, aged about 41 years, R/o Maruti Ward near Chandi Mandir, Kawardha, District Kabirdham (CG).
2. Lakhan, S/o Goverdhan, Caste Kurmi, R/o Maruti Ward near Chandi Mandir, Kawardha, District Kabirdham (CG).
3. Ratan, S/o Goverdhan, Caste Kurmi, R/o Maruti Ward near Chandi Mandir, Kawardha, District Kabirdham (CG).
4. Preet Kumar Sharma, S/o Ram Prasad Sharma, R/o Ward No.10, Kawardha at present address Ward No.10, Gariyaband, District Gariyaband.
5. State of Chhattisgarh, through Collector, Kabirdham, District Kabirdham (CG).

---Respondents

For Petitioner : Mr. Govind Dewangan, Advocate
For State : Mr. Shashank Thakur, Govt. Advocate

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

20/07/2017

(1) By the impugned order dated 05.07.2017, the trial Court has rejected the petitioner's application to get the amended copy of the plaint on the ground that the petitioner has already received the amended plaint on 21.03.2014 against which this writ petition under Article 227 of the Constitution of India has been filed by the petitioner.

(2) Learned counsel appearing for the petitioner would submit that the trial Court has committed jurisdictional error in rejecting the petitioner's application for getting the amended copy of the plaint.

(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 the suit filed in the year 2011 and the petitioner is regularly appearing before the trial Court, if the petitioner is not having the copy of the amended plaint, he can obtain certified copy by making an application as he is a party to the suit and as such no jurisdictional error has been committed by the trial court in rejecting the application. However, the trial Court is directed to expedite the trial of the suit.

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

SD/-

(Sanjay K. Agrawal)
Judge

L/-