

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.626 of 2017

(Arising out of order dated 4-8-2017 passed by the 9th Additional District Judge, Raipur in Civil Suit No.1A/2017)

Smt. Shahin Begum, W/o Abdul Jainud, aged about 36 years, R/o Bairan Bajar, Near Unani Medical Shop, Raipur, P.S. & P.O. Raipur, District Raipur (C.G.)

(Plaintiff)
---- Petitioner

Versus

1. Md. Rizwan, S/o late Md. Razik, aged about 34 years,
2. Md. Faizan, S/o late Md. Razik, aged about 30 years,
3. Smt. Yasmin, W/o Abdul Razik, aged about 32 years,

Res. No. 1 to 3 are R/o Bairan Bajar, Near Unani Medical Shop, Raipur, P.S. & P.O. Raipur, District Raipur (C.G.)

4. State of Chhattisgarh, through Collector, Raipur, District Raipur (C.G.)

(Defendants)
---- Respondents

For Petitioner: Mr. Prasoon Agrawal, Advocate
For Respondent No.4/State: Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/09/2017

1. Learned counsel for the petitioner submits that application for amendment has been rejected by the trial Court against which this petition has been preferred. He further submits that the petitioner/ plaintiff be allowed to make amendment in the relief clause by which he is giving up the larger relief and shorter relief of

declaration of 1/6th share in the suit property and partition for 1/6th share in the suit property is being claimed.

2. I have heard learned counsel for the petitioner/plaintiff at some length.
3. None present for respondents No.1 to 3.
4. After hearing learned counsel for the petitioner and considering the fact that the petitioner has filed application seeking amendment in the relief clause making shorter relief of claiming 1/6th share in the suit property, I deem it appropriate to grant the relief sought for subject to payment of cost of ₹ 2,000/- to defendants No.1 to 3 payable on the next date of hearing and thereafter, the plaintiff will incorporate the amendment and the trial Court would proceed further with the matter. If respondents No.1 to 3 herein are aggrieved, they may make an application for modification of this order.
5. The writ petition is allowed to the extent indicated herein-above.
No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge