

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 857 of 2017**

Smt. Nirmaladevi Shahu W/o Shri Rajaram Shahu, Aged About 51 Years R/o N.T.P.C. Colony Yamunabihar Jamnipali, Korba, Tahsil Katghora District Korba, Chhattisgarh, Present Resident Bengalipara, New Sarkanda Bilaspur Tahsil & District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Shri Ramesh Shahu S/o S.L.Shahu, R/o Koni, I.T.I. In Front Of Old Gate Bilaspur Tahsil & District Bilaspur, Chhattisgarh
2. State Of Chhattisgarh, Through Collector Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Pramod Shrivastava, Advocate.
For Respondents/State	:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****20/11/17**

1. By the impugned order dated 13.12.2016, the trial Court has rejected the application filed by the petitioner under Order 6 Rule 17 of the C.P.C. for amendment in the cause title and certain paragraphs in the plaint, being aggrieved against which this writ petition under Article 227 of the Constitution has been preferred by the petitioner.
2. Learned counsel appearing on behalf of petitioner would submit that the impugned order is unsustainable and bad in law and is liable to be set aside as the amendment is necessary for just and proper disposal of the suit.
3. I have heard learned counsel for the petitioner and perused the

impugned order with utmost circumspection.

4. The application filed by the petitioner under Order 6 Rule 17 of the C.P.C. for amendment seeking to implead defendant No. 3 as party defendant and also seeking permission to insert certain paragraphs in the plaint appears to be necessary for just and proper disposal of the suit. Since the trial is at initial stage and the amendment proposed is formal in nature and the impleadment of defendant No. 3 is also necessary, therefore the order of the trial Court is set aside and the application filed by the petitioner is allowed subject to payment of cost of Rs, 2,000/- to the respondent No. 1. However, the respondent No. 1 would be at liberty to move an application for modification of the order, if he is aggrieved.

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

Sd/-
(Sanjay K. Agrawal)
Judge