

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.337 of 2016**

1. Smt. Vimla Bai, wife of Late Udhav Bharde, aged about 77 years, resident of Near Gram Sewa Samiti, Pandri-tarai, Raipur, Tahsil & District Raipur, presently at Pink City, Shankar Nagar, Raipur (CG)
2. Hemant Swami, son of Shri Jagannath Swami, aged about 60 years, resident of Near Gram Sewa Samiti, Pandri-tarai, Raipur, Tahsil & District Raipur, presently at Pink City, Shankar Nagar, Raipur (CG), Civil & Revenue District Raipur

---Petitioners**Versus**

1. Mohammed Iqbal, son of Sheikh Jumman, aged about 37 years
 2. Mohammed Firoz, son of Sheikh Jumman, aged about 38 years,
- Both residents of Nayapara, Sadar Bazar Ward, Tahsil & District Raipur (CG)

---Respondents

For Petitioners	:	Mr.B.P.Sharma, Advocate
For Respondents	:	Mr. Raghvendra Pradhan, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/04/2017**

1. In a suit instituted by the respondents/plaintiffs on 2.8.1984 for permanent injunction, the petitioners/defendants filed an application for amendment on 1.4.2015, which was rejected by the trial Court on the ground that suit was filed in the year 1984 and counter-claim is sought to be introduced by way of amendment, which is time barred, against which, this writ petition under Article 227 of the Constitution of India has been filed.
2. I have heard learned counsel appearing for the parties perused the

order impugned.

3. The trial Court has clearly recorded a finding that this Court has only given permission to make consequential amendments and consequential amendments have already been made. Counter-claim cannot be allowed to be introduced in a suit filed in the year 1984, which is not bonafide. Written statement was filed on 18.11.1998. I am fully convinced that this is nothing but only delaying tactics adopted by the petitioners/defendants to further arrest the trial of the suit.

4. I do not find any jurisdictional error in the order impugned. Consequently, the writ petition being devoid of merit is liable to be and is hereby dismissed. However, the trial Court is directed to conclude the hearing of the suit within three months from the date of receipt of copy of this order as the suit is pending since 2.8.1984 and report to Registry of this Court. No order as to cost(s).

Sd/-

**(Sanjay K. Agrawal)
JUDGE**

B/-