

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 407 of 2016**

Virendra Bhushan Yadav, S/o Late Dhudhelal Yadav, aged about 36 years, R/o Village Dharampura, Tahsil & Distt. Raipur (C.G.)

---- **Petitioner****Versus**

Smt. Suman Yadav, W/o. Virendra Bhushan Yadav, aged about 30 years, R/o Village Dharampura, Tahsil & Distt. Raipur (C.G.)

---- **Respondent**

For Petitioner	:	Mrs. Fouzia Mirza, Advocate.
For Respondent	:	Mr. Nalin Soni, Advocate

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

Heard.

(1) By the impugned order dated 2.2.2016, application under Order 6 Rule 17 CPC for amendment in the plaint filed by the petitioner/plaintiff has been rejected by the Principal Judge, Family Court, Raipur on the ground of delay.

(2) Learned counsel for the petitioner would submit that application for amendment in the plaint is clarificatory in nature and, as such, it will not change the nature of suit.

(3) Per contra, counsel for the respondent would submit that the amendment sought by the petitioner will change the nature of suit and, therefore, the trial Court has rightly rejected the application for

amendment filed by the petitioner.

(4) I have heard learned counsel appearing for the petitioner and looking to the amendment proposed and stage during which the amendment sought to be added, I consider it is a fit case where amendment can be allowed subject to payment of cost of Rs.5,000/- to the respondent.

(5) The amendments be incorporated within a period of two weeks from today subject to payment of cost of Rs.5,000/- to the respondent.

(6) The writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-