

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.394 of 2017**

Harishchandra Soni S/o Shri Bhauram Soni Aged About 50 Years R/o
Jarhabhatha Bilaspur, Tahsil And District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. Chhotelal @ Doulat Ram S/o Hemdutt, Caste Bargah Aged About 55 Years R/o Village Ramtala Tahsil & District Bilaspur Chhattisgarh
2. Pravin S/o Chhotelal R/o Village Ramtala Tahsil & District Bilaspur Chhattisgarh
3. Priyanshu S/o Chhotelal R/o Village Ramtala Tahsil & District Bilaspur Chhattisgarh
4. Smt. Indira W/o Chhotelal Respondent No. 3 Priyanshu Being Minor Represented Though Mother Smt. Indira, Res. No.4 R/o Village Ramtala Tahsil & District Bilaspur Chhattisgarh
5. State Of Chhattisgarh Through The District Magistrate, Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr.Sourabh Sharma, Advocate
For Res.No.2 to 4	:	Mr.V.R.Tiwari, Advocate
For Respondent No.5	:	Mr.Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

09/10/2017

1. Learned counsel for the petitioner would submit that the order impugned rejecting his application for leave to amend the plaint is unsustainable and bad in law.
2. On the other hand, learned counsel for respondents No.2 to 4 would submit that amendment will change the nature of the suit.
3. I have heard learned counsel for the parties and perused the impugned order.
4. In the suit, application under Order 1 Rule 10 of the CPC has been allowed by the trial Court on 10.8.2016 and two minor children of defendant No.1 has been impleaded as defendants in the suit and

thereafter proposed amendment was brought stating that the contents of the agreement are within the knowledge of newly impleaded defendants. On the basis of which, application for amendment has been filed, which has been rejected by the trial Court holding that case is at advance stage.

5. Considering the fact that application for amendment is based on subsequent event i.e. on account of impleadment of the defendants and proposed amendment will not change the nature of suit, I deem it appropriate to allow the application dated 8.3.2017, decided on 28.3.2017 subject to payment of cost of Rs.5000/- to the defendants on the next date of hearing before the trial Court.
6. Ordered accordingly. The defendants will be at liberty to incorporate the consequential amendment in the written statement. The trial Court is directed to expedite the trial and conclude the suit within six months from the date of receipt of copy of this order.
7. With the aforesaid observation, the writ petition finally stands disposed of. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-