

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 403 of 2017**

Yatish Gandhi, S/o Late Mahendra Gandhi, aged about 37 years, Occupation – Business, R/o Daroga Para, Raigarh, Tahsil and District Raigarh (C.G.), Business Place:- 16, Seth Dayaram Complex, Satigudi Chowk, Raigarh, Tahsil and District Raigarh (C.G.) {Defendant}

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

Smt. Shanti Devi, W/o Late Dayaram Agrawal, aged about 93 years, R/o Purana Sadar Bazaar, Raigarh, Tahsil and District Raigarh (C.G.) {Plaintiff}

---- **Respondent**

For Petitioner:	Mr. S.S. Rajput, Advocate.
For Respondent:	Mr. Sanjay Agrawal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****27/06/2017**

(1) In a suit filed by respondent/plaintiff for eviction and arrears of rent, petitioner/defendant filed an application for clarifying the plea already taken in the written statement, which has been rejected by the trial Court by the impugned order.

(2) Learned counsel for the petitioner would submit that such amendments were necessary to establish the defence of the petitioner, which has wrongly been rejected by the trial Court.

(3) Per contra, counsel for the respondent would support the order impugned.

(4) I have heard learned counsel appearing for the parties, and perused the order impugned with utmost circumspection.

(5) The trial Court has rejected that application for amendment filed by the defendant on the ground of delay. It appears that the only plea taken by the defendant/petitioner by way of amendment is that the plaintiff/respondent cannot claim arrears of rent for more than three years and, therefore, he is not entitled to claim rent of Rs.1,62,000/-.

(6) After hearing learned counsel appearing for the parties and after perusal of the order impugned, I do not find any illegality in the order impugned warranting interference by this Court under Article 227 of the Constitution of India.

(7) Accordingly, the writ petition fails and is hereby dismissed. However, the petitioner/defendant is at liberty to raise the plea at the time of final argument that the plaintiff is not entitled to claim rent for more than three years; and the trial Court is directed to decide the suit expeditiously preferably within a period of three months from the date of receipt of copy of this order as the suit was filed on 21.08.2008 and there is no substantial progress in the trial.

(8) No order as to cost (s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

