

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 757 of 2016**

1. Govind Ram Basantani S/o Shri Nihalchand Basantani, Aged About 55 Years Occupation Business, R/o Beladula, Sindhi Colony, Raigarh, Tahsil And District Raigarh, (C.G.).....(Non Applicant 1)
2. Ashok Basantani, S/o Shri Nihalchand Basantani, Aged About 50 Years Occupation Business, R/o Beladula, Sindhi Colony, Raigarh, Tahsil And District Raigarh, (C.G.).....(Non Applicant No.2)

---- Petitioners**Versus**

1. Gopal Ji Mandir Trust Through: Mahant Ram Gopal Das Guru, Bramhlin Baldev Das, Aged About 55 Years, Occupation Sarwakar, Gopal Ji Mandir, R/o Gopal Ji Mandir, Beladula, Raigarh, Tahsil And District Raigarh (Chhattisgarh)(Applicant)
2. Nagar Palik Nigam, Raigarh, (Chhattisgarh), Through: Commissioner, Nagar Palik Nigam, Raigarh, District Raigarh, (Chhattisgarh).(Non Applicant No.3)

---- Respondents

For Petitioners	: Shri Roop Naik, Advocate.
For Respondent No. 1	: Shri Sunil Verma, Advocate.
For Respondent No. 2	: Shri R.R. Sinha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****11/04/2017**

(1) Respondent No.1 filed an application for setting aside ex parte decree under Order 9 Rule 13 CPC. During pendency of that application, he also filed an application for amendment in that application filed under Order 9 Rule 9 CPC & Order 9 Rule 13 CPC, which has been allowed by the trial Court, against which instant writ petition has been preferred by the petitioners/defendants on the ground that no valid and sufficient ground has been shown by the plaintiff for such amendments in the plaint and it should not have been

allowed by the trial Court.

(2) Having heard learned counsel appearing for the parties, having perused the order impugned, this Court is of the opinion that amendment is necessary for just & proper disposal of that application and, thus I do not find any jurisdictional error in the order impugned warranting interference by this Court in this petition. However, the petitioner is at liberty to raise all the grounds while making submission of the application under Order 9 Rule 13 CPC and Order 9 Rule 9 CPC read with Section 5 of the Limitation Act at the time of final hearing.

(3) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-