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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 806 of 2017**

Gaurav Tiwari S/o Late Krishna Kumar Tiwari, Aged About 37 Years R/o Near Manish Rice Mill, Khamtarai Road Bilaspur, Police Station Sarkanda, Tahsil And Civil And Revenue District Bilaspur, Chhattisgarh. Mo. No. 9826140015

---- Petitioner**Versus**

1. Smt. Sadhna Verma W/o Late Prekumar Verma, Aged About 58 Years R/o Infront Of R.K. Petrol Pump, Chaantideeh Road Bilaspur, Police Station Sarkanda, Tahsil, Civil And Revenue District Bilaspur, Chhattisgarh.
2. Abhishek Verma, S/o Late Premkumar Verma, Aged About 28 Years R/o Infront Of R. K. Petrol Pump, Chaantideeh Road Bilaspur, Police Station Sarkanda, Tahsil, Civil And Revenue District Bilaspur, Chhattisgarh.
3. Abhijeet Verma, S/o Late Premkumar Verma, Aged About 24 Years R/o Infront Of R. K. Petrol Pump, Chaantideeh Road Bilaspur, Police Station Sarkanda, Tahsil, Civil And Revenue District Bilaspur, Chhattisgarh.
4. Shweta Verma, D/o Late Premkumar Verma, Aged About 22 Years R/o Infront Of R. K. Petrol Pump, Chaantideeh Road Bilaspur, Police Station Sarkanda, Tahsil, Civil And Revenue District Bilaspur, Chhattisgarh.
5. State Of Chhattisgarh, Through: Collector, Bilaspur, Police Station Civil Lines, Tahsil, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ratnesh Kumar Agrawal, Advocate.
For Respondents/State	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/11/17**

1. By the impugned order dated 15.09.2017 the trial Court has rejected application filed by the petitioner / plaintiff under Order 6 Rule 17 of the CPC for amendment in the plaint against which this writ petition under Article 227 of the Constitution has been preferred by the petitioner.

2. Learned counsel appearing on behalf of petitioner would submit that during the pendency of the suit, on 08.07.2017 the petitioner / plaintiff has been dispossessed from the suit premises, therefore seeking relief for possession the amendment was introduced in the plaint which was rejected by the trial Court. Hence, the impugned order is unsustainable and bad in law and is liable to be set aside.

3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

4. Since further relief of possession was sought for by way of amendment in the plaint which was based on subsequent event dated 08.07.2017, therefore the amendment is allowed and the order impugned is set aside.

5. It is directed that the amendment be incorporated within seven days and the petitioner will be required to pay cost of Rs. 1,000/- to the respondents/ defendants No. 1 to 4. However, the defendants would be at liberty to move an application for modification of the order, if they are aggrieved.

6. With the aforesaid observations, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge