

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.579 of 2015

1.Smt. Manjulata Rathore, W/o Ram Krishna Rathore, aged about 48 years, R/o Gurumukh Singh Nagar, Ward No.40, New Rajendra Nagar, Post & Tahsil Raipur, Civil and Revenue District Raipur.

2.Ku. Nistha Rathore, D/o Ram Krishna Rathore, aged about 24 years, R/o Gurumukh Singh Nagar, Ward No.40, New Rajendra Nagar, Post & Tahsil Raipur, Civil and Revenue District Raipur.

3.Naivedya Rathore, S/o Ram Krishna Rathore, aged about 23 years, R/o Gurumukh Singh Nagar, Ward No.40, New Rajendra Nagar, Post & Tahsil Raipur, Civil and Revenue District Raipur.

---- Petitioners

Versus

1.Harikrishna Rathore, S/o late Shri Kodulal Rathore, aged about 54 years, R/o Near Appu Sweets, Gali No.02, D.D. Nagar, Post & Tahsil Raipur, Civil & Revenue District Raipur (CG).

2.Ajay Rathore, S/o late Kodulal Rathore, aged about 52 years, R/o Near Janannath Mandir, Giri Chowk, Badaipara, Post & Tahsil Raipur, Civil & Revenue District Raipur (CG).

--- Respondents

Mr. Surfaraj Khan, Advocate for the petitioners
None for the respondents, though served

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

28/08/2017

(1) Learned counsel appearing for the petitioners would submit that the petitioners' application under Order 6 Rule 17 of CPC for making necessary amendment in the plaint has been rejected by the trial Court by its impugned order dated 06.07.2015. He would further submit that they are seeking additional relief by the proposed amendment and the trial is at initial stage and it would be necessary for just and proper disposal of the suit and therefore, in the interest of justice, one opportunity may be granted to them.

(2) None appeared from the other side, though served.

(3) I have heard learned counsel for the petitioner and perused the impugned order.

(4) After hearing learned counsel for the petitioner and after going through the material available on record, I am of the considered opinion that the trial is at initial stage and the written statement has not been filed, therefore, it would be expedient to allow the application filed by the petitioners. Accordingly, the impugned order is set-aside and the application under Order 6 Rule 17 of CPC is allowed subject to payment of cost of Rs.2000/- to the other side. It is directed to the petitioners that the proposed amendment would be incorporated before the trial Court within a period of four weeks and the trial court is also directed to proceed further with the suit.

(5) With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-