

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.830 of 2015

1. Mushir Ahmed, aged about 50 years, S/o Mohd. Shareef Ahmed.
2. Mrs. Afroz Bano, aged about 45 years, W/o Mushir Ahmed.

Address: Old Bus Stand, Korba, Post Korba, Tahsil Korba, Civil & Revenue District Korba (C.G.)

(Plaintiffs)
---- Petitioners

Versus

1. State of Chhattisgarh, through Collector, Korba, Post Korba, Tahsil Korba, Civil & Revenue District Korba (C.G.)
2. Smt. Subhadra Sao (Died and deleted)
3. Smt. Seema Sahu, D/o Late Teeaman Lal.
4. Ms. Leena Sao, D/o Late Teeaman Lal.
5. Virendra Kumar Sao, S/o Late Teeaman Lal.

All R/o Purani Basti, Korba, Post Korba, Tahsil Korba, Civil & Revenue District Korba (C.G.)

(Defendants)
---- Respondents

For Petitioners: Mr. Rajkamal Singh, Advocate.

For Respondent No.1 / State: -

Mr. S.M. Ali, Panel Lawyer.

For Respondents No.3 to 5: -

Mr. Anand Kumar Gupta, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/04/2017

1. Amendment relating to deletion of respondent No.2 is incorporated with the permission of the Court.
2. Application for amendment filed by the petitioners/plaintiffs based on subsequent event has been rejected by the trial Court

against which this writ petition under Article 227 of the Constitution of India has been preferred.

3. Learned counsel for the petitioners submits that the amendment is absolutely necessary for just and proper disposal of the case and based on subsequent event, as the petitioners have been dispossessed from the suit premises on 29-1-2015 and the amendment application has been preferred on 28-2-2015.
4. On the other hand, learned counsel for the defendants would oppose the submission of learned counsel for the petitioners.
5. I have heard learned counsel for the parties and perused the record with utmost circumspection.
6. Considering the nature of amendment and considering the period within which the amendment application is filed and that it is said to be based on subsequent event, and in order to effectively adjudicate the suit already filed, I deem it expedient to allow the amendment application and set aside the impugned order subject to payment of cost of Rs.2,000/- to the private defendants. Ordered accordingly.
7. The amendment will be incorporated within 15 days from today. The suit would be disposed of expeditiously by the trial Court.
8. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge