

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 7 of 2017

- Yogesh Kumar Yadav S/o Shri Suraj Prasad Yadav, Aged About 30 Years R/o Near The Mahadeo Aata Chakki Gali No. 01 House No. 38/ New, Tatyapara Ward Bajrang Nagar Raipur Tahsil & District Raipur (Chhattisgarh)

---- Petitioner

Versus

- Kanhaiya Lal Vishwakarma S/o Late Ramashankar Vishwakarma, Aged About 40 Years R/o Near The Santoshi Mandir, Badaipara Raipur, Tahsil & District Raipur (Chhattisgarh)

---- Respondent

For Petitioner	: Shri Hemant Kesarwani, Advocate
For Respondent	: None present.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

10/01/2017

Challenge in the present petition filed under Article 227 of the Constitution of India is to the order dated 23.12.2016 passed by the Seventh Additional District Judge, Raipur in Civil Suit No. 6A/2013 rejecting the application as filed by the petitioner/defendant under Order 6 Rule 17 of the Code of Civil Procedure.

Counsel for the petitioner submits that as the original written statement was prepared by the junior counsel, certain facts which are necessary could not be brought on record. He submits that the proposed amendment does not change the nature of the case and is necessary for the adjudication of the matter and therefore the same be allowed.

While passing the impugned order it has been observed by the trial court that the pleadings in respect of the amendment as sought for is already on record. It has also been observed by the trial court that the proposed amendment will change the nature of the case, new issues are required to be framed and the amendment has been sought at the belated stage.

The reasons recorded by the trial court while rejecting the applications are in accordance with law and does not call for interference. Accordingly the petition has no substance the same is accordingly dismissed.

Sd/-

(Pritinker Diwaker)
Judge

suguna

