

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.362 of 2017**

1. Lakhanlal S/o Shri Awadhram Aged About 45 Years Cast Kalar, Occupation Agriculturist, R/o Village Jogidipa, P. S. And Tahsi Malkharauda, Distt. Janjgir Champa (Chhattisgarh)
2. Leelambar, S/o Shri Awadhram, Aged About 33 Years Cast Kalar, Occupation Agriculturist, R/o Village Jogidipa, P. S. And Tahsi Malkharauda, Distt. Janjgir Champa (Chhattisgarh)

---- Petitioners**Versus**

1. Ramlal S/o Shri Chandram, Aged About 46 Years Caste Kalar, Occupation Agriculturist, R/o. Vill. Pirda, P. S. And Tahsil Malkharauda Distt. Janjgir Champa (Chhattisgarh)
2. State Of Chhattisgarh, Through The District Collector, Distt. Janjgir Champa (Chhattisgarh)

--- Respondents

For Petitioners	:	Mr. Pushpendra Kumar Patel, Advocate
For State	:	Mr. Arun Sao, Deputy Advocate General

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

16/05/2017

(1) By the impugned order dated 21.02.2017, the trial Court has allowed the application under Order 6 Rule 17 of CPC filed by the respondent No.1/plaintiff herein, against which this petition under Article 227 of the Constitution of India has been filed by the petitioners/defendants.

(2) Learned counsel appearing for the petitioners would submit that the proposed amendment made by the plaintiff is not necessary for

effective adjudication of the suit yet the trial Court has allowed the application for amendment, therefore, it deserves to be quashed.

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

(4) The trial Court has clearly held that the proposed amendment is necessary for just and proper adjudication of the suit. It is the case of the defendants that no such agreement has been entered into with the plaintiff. The sufficient and valid reasons have been assigned by the trial Court in allowing the application for amendment as the suit is at initial stage. I do not find any jurisdictional error in the impugned order.

(5) Consequently, the writ petition deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-