

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.606 of 2017**

Avinash Sharma S/o Late Surendra Sharma, Aged About 35 Years
 R/o Brahman Para Raipur, Tahsil & District Raipur Chhattisgarh
 Through Power Of Attorney Naveen Gupta, Aged About 36 Years,
 S/o Ramesh Chandra Gupta, R/o Narmada Para, In Front Of Country
 Made Liquor Shop, Raipur, Tahsil & District Raipur Chhattisgarh

----Petitioner

Versus

1. Dhelu Ram Sahu
2. Smt. Chandrika Bai
3. Smt. Ghuruva Bai
4. Kumbhkaran Sahu
5. Kumar Sahu

All Son and Daughter of Late Asharam Sahu, R/o. Gram Khilaura,
 P.O. Hathbandh, Tehsil Simga, District Raipur (CG)

6. Yogesh Kumar
7. Kamdev
8. Khilavan
9. Dulesh,

All Son and Daughter of Maujiram (Father) and Smt. Radhabai
 (Mother), R/o Gram Sankri, Tahsil Simga, District Raipur
 Chhattisgarh Panchayat

10. Dinesh Kumar Banswar, S/o Late Badhurram Banswar,
 R/o Vinayika Vihar, Raipur Tahsil & District Raipur Chhattisgarh

---- Respondents

For Petitioner : Mr.Pawan Kesharwani, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**30/08/2017

1. By the impugned order, the petitioner's application under
 Order 18 Rule 17 of the Code of Civil Procedure has been
 rejected by the trial Court.
2. Learned counsel for the petitioner would submit that the trial
 Court while passing the impugned order has committed

jurisdictional error.

- 3.** I have heard learned counsel for the petitioner and perused the impugned order.
- 4.** The trial Court has clearly held that the provisions contained in Order 18 Rule 17 of the CPC cannot be invoked to fill up the lacuna by the plaintiff and also the application suffers from delay and laches as the suit is pending since 2010. The trial Court has assigned sufficient and valid reasons in rejecting the application. I do not find any jurisdictional error in the impugned order.
- 5.** Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-