

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.717 of 2017**

1. Bhagat Son of Nadi, aged about 32 years,
2. Jagat Son of Nadi, aged about 28 years,
3. Sonu Son of Nadi, aged about 27 years,
All R/o.Village Chhote Devada, Tahsil Jagdalpur, District Bastar
(M.P.) (Now C.G.)

---- Petitioners

Versus

Dashmu son of Kadi (since died), represented through LRs:-

1. Goverdhan son of Ogar, aged about 30 years,
2. Booti son of late Dashmu, aged about 60 years,
3. Daya son of late Dashmu, aged about 66 years,
4. Gambhir son of late Dashmu, aged about 58 years,
5. Kala D/o. Dashmu, aged about 53 years,
All R/o. Village Mohlai, Tahsil Bakawand, District Bastar (CG)

---- Respondents

For Petitioners : Mr.Uttam Pandey, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**27/9/2017

1. By the impugned order, the trial Court has rejected the application filed by the petitioners/defendants under Order 8 Rule 1(3) read with Section 151 of the Code of Civil Procedure for consequential amendment.
2. Learned counsel for the petitioners would submit that the trial Court has committed jurisdictional error in rejecting the application under Order 8 Rule 1(3) read with Section 151 of the Code of Civil Procedure and as such, the impugned order deserves to be set aside.
3. I have heard learned counsel appearing for the petitioners and

perused the impugned order.

4. The trial Court has clearly recorded a finding that the aforesaid copy of will was not filed at initial stage of the suit and thereafter it was neither filed in first appeal nor in second appeal, therefore, there is no reason to admit such document filed at this stage as the suit is pending since 26.8.1992. I do not find any jurisdictional error in the impugned order warranting interference by this Court.
5. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-