

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 823 of 2017**

1. Aasgunnisha Khan D/o Karimulla Khan, Aged About 66 Years (Wrongly Mentioned As Karimkalla Khan In Certified Copy Of Order) R/o Through Saliulla Khan, Opposite United Blood Bank Nurani Chowk, Raja Talab, Civil Line Raipur, District Raipur, Chhattisgarh. P-2 At Present Awanti Vihar, Near Akanchha School, Telibandha, Raipur, Chhattisgarh.
2. Alimulla Khan S/o Karimulla Khan, Aged About 64 Years R/o Through Saliulla Khan, Opposite United Blood Bank Nurani Chowk, Raja Talab, Civil Line Raipur, District Raipur, Chhattisgarh. P-2 At Present Awanti Vihar, Near Akanchha School, Telibandha, Raipur, Chhattisgarh.

---- Petitioners

Versus

1. Kamal Chand Jain S/o Late Nemichand Jain, R/o Awanti Bihar, Telibandha Raipur, Tahsil And District Raipur, Chhattisgarh. (Plaintiff)
2. State Of Chhattisgarh, Through The Collector, Raipur, District Raipur, Chhattisgarh. (Defendant No. 3)

---- Respondents

For Petitioners	:	Mr.C.R. Sahu, Advocate.
For Respondents/State	:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10/11/17**

1. The petitioner / defendants have filed an application under Order 6 Rule 17 of the CPC seeking leave to amend the written statement after evidence of defendant No. 1 is closed, that application has been rejected by the trial Court by impugned order dated 17.08.2017 finding that it is barred under proviso to Order 6 Rule 17 of the CPC against which this writ petition has been preferred by the petitioner.
2. Learned counsel appearing on behalf of the petitioners would submit

that the impugned order is unsustainable and bad in law and deserves to be set aside.

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

4. The trial Court has clearly recorded a finding that such an application was filed after closure of the evidence of defendant No. 1 and it is contrary to proviso to Order 6 Rule 17 of the CPC. The trial Court has assigned sufficient and valid reasons rejecting the application of the petitioner in which I do not find any jurisdictional error.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge