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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 906 of 2017**

Ganesh Ram Dewangan S/o Late Banshilal Dewangan, Aged About 59 Years (55 Years Mention In The Complaint), R/o Tikrapara Ward No. 12, Gandai, Police Station Gandai, Tahsil Chhuikhadan, Civil & Revenue District Rajnandgaon Chhattisgarh At Present R/o 112, Punam Colony, Ward No. 17 Rajnandgaon Police Station, Tahsil , Civil & Revenue District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

Vedprakash S/o Hariram Dewangan Aged About 40 Years R/o Ward No. 15 Gandai, Tahsil Chhuikhadan, Civil & Revenue District Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner : Mr. Ratnesh Kumar Agrawal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/12/17**

1. By the impugned order dated 11.09.2017, the trial Court has rejected the application filed by petitioner / plaintiff under Order 6 Rule 17 of the C.P.C. for amendment in the complaint, feeling aggrieved against which this writ petition under Article 227 of the Constitution has been preferred by the petitioner.
2. Learned counsel for the petitioner submits that the proposed amendment is based on subsequent event as the petitioner has been dispossessed from the suit premises on 30.12.2016 and therefore, the proposed amendment would avoid the multiplicity of the suit and is necessary for just and proper disposal of the suit.
3. I have heard learned counsel for the petitioner and perused the

impugned order with utmost circumspection.

4. On careful perusal of the application for amendment, it appears that the proposed amendment is based on the subsequent events as according to the petitioner he has been dis-possessed from the suit premises on 30.12.2016 and the application for amendment was moved on 29.07.2017. Since the trial has not yet commenced, it will be expedient to allow the application for amendment filed under Order 6 Rule 17 of the C.P.C. subject to payment of cost of Rs. 2,000/- to the respondents / defendants on the next date of hearing and the necessary amendment be incorporated within ten days from today. However, the defendants would be at liberty to move an application for modification of the order, if they are aggrieved and are also at liberty to make consequential amendment in the suit.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge