

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 819 of 2010**

Vijay Kumar Bhalkar, aged about 52 years, S/o Late Madhukar Rao Bhalkar, R/o 24/398, Mayaparaward, besides Kusum Tai Deblee School, Raipur

---- Petitioner**Versus**

1. Smt. Vasundhara Dumbhare, aged about 44 years, W/o Shri Manohar Rao Dumbhare, Satti Bazar, Raipur (C.G.)
2. Smt. Manda Vani, aged about 54 years, W/o Shri Deo Rao Vani, R/o Gandhiward, near Cooperative Bank, Verdha (Maharashtra)
3. Smt. Saroj Bire, aged about 49 years, W/o Shri Arun Bire, in front of M.P. Housing Board Office Shankar Nagar, Raipur (C.G.)

---- Respondents

For Petitioner : Dr. N.K. Shukla, Senior Advocate with
Shri Vikram Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/05/2017**

Heard.

- (1) In a suit filed by plaintiff/respondent No.1, petitioner/ defendant No.1 filed an application for amendment in the written statement.
- (2) The trial Court, by its impugned order dated 18.11.2009, rejected the said application holding that most of the plaintiff's witnesses have been examined; suit is pending since 1993 and the defendant No. 1 cannot be permitted to withdraw the admission made in the written statement, against which, the instant writ petition has been filed questioning the same.

(3) Learned counsel appearing for the petitioner would submit that the amendment made in the written statement is absolutely necessary for just and proper disposal of the case and, therefore, the trial Court is absolutely unjustified in rejecting the application for amendment in the written statement.

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

(5) The trial Court has clearly held that the defendant No.1 wanted to withdraw the admission made in the written statement by way of application for amendment; that cannot be permitted to be withdrawn; and further held that most of the plaintiff's witnesses have already been examined and the suit is pending since 1993. Thus, the trial has recorded valid and sufficient reason for rejecting the application for amendment in the written statement filed by defendant No. 1, in which, I do not find any illegality warranting interference by this Court in the writ petition filed under Article 227 of the Constitution of India.

(6) For the reasons mentioned hereinabove, the writ petition fails and is accordingly dismissed. However, the trial Court is directed to conclude the trial expeditiously preferably within a period of six months from the date of receipt of copy of this order as the suit is pending since 1993.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

