

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (227) No.339 of 2016**

Aasar Singh S/o Bechan Singh, Aged About 40 Years By Caste Gond,  
R/o Village Belkamar, Thana And Tahsil Khadgawa, District Koriya  
Chhattisgarh.

**---- Petitioner****Versus**

1. Shivraj Singh S/o Bechan Singh, Aged About 24 Years By Caste Gond, R/o Village Belkamar, Thana And Tahsil Khadgawa, District Koriya Chhattisgarh
2. Shivratan Singh S/o Bechan Singh, Aged About 19 Years By Caste Gond, R/o Village Belkamar, Thana And Tahsil Khadgawa, District Koriya Chhattisgarh
3. Rukmani W/o Bechan Singh, Aged About 60 Years By Caste Gond, R/o Village Belkamar, Thana And Tahsil Khadgawa, District Koriya Chhattisgarh
4. State Of Chhattisgarh Through Collector, Koriya Baikunthpur Chhattisgarh

**--- Respondents**


---

For Petitioner : Mr. Parag Kotecha, Advocate  
For State : Mr. Aditya Sharma, Panel Lawyer

---

**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order On Board**

**25/10/2017**

(1) Learned counsel appearing for the petitioner would submit that the petitioner's application under Order 6 Rule 17 of CPC for amendment in written statement has been rejected by the trial Court by order dated 30.04.2016 on the ground that the petitioner has not filed affidavit in support of the said application, therefore he may be

allowed to file fresh application supported by affidavit.

(2) None for the respondents, though served.

(3) Prayer appears to be fair and reasonable.

(4) Be that as it may, the petitioner is permitted to file fresh application for amendment in the written statement supported by affidavit before the trial Court. If the petitioner files fresh application before the trial Court, in that event the trial Court shall consider and decide the said application, strictly in accordance with law without being influenced by observation made in the impugned order dated 30.04.2016.

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

Sd/-

**(Sanjay K. Agrawal)**  
Judge

L/-