

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 125 of 2016

Baldu S/o Late Mangal Satnami @ Latel Satnami, Aged About 75 Years
(Approxi), Residence Umarpoti Bhatha, P.O. Purai, P.S. Utai, Tah &
Distt. Durg, (Chhattisgarh) **---- Petitioner**

Versus

1. Nizam S/o Late Devadas Satnami, Aged About 37 Years (Approxi), R/o Sukhari, P.O. Matwari, Chouki Machandur, P.S. Gunderdehi, Tah Gunderdehi, Distreict Balod, (Chhattisgarh)
2. Indira, S/o Late Devadas Satnami, Aged About 33 Years (Approxi), R/o Sukhari, P.O. Matawari, Chouki Machandur, P.S. Gurderdehi, Tah Gunhderdehi, District Balod (Chhattisgarh)
3. The State Of Chhattisgarh, Through The Collector, Balod, (Chhattisgarh) **....Respondents**

For Petitioner	:	Mr. K.R. Lonia, Advocate
For State	:	Mr. Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Oral order

23/02/2017

Heard on admission.

1. This petition, under Article 227 of the Constitution of India, is preferred against order dated 14.12.2015, by which, the petitioner's application for amendment in the plaint has been rejected.
2. Learned counsel for the petitioner argued that due to typographical mistake, in the plaint, the description of the land was wrongly mentioned as Khasra No.58/3, area 0.54 hectare whereas the petitioner is claiming relief of declaration in respect of land comprised in Khasra No.90/1, area 1.36 acres.
3. The claim of the petitioner to seek amendment in the plaint on the

ground that it was merely a typographical mistake, is not supported with any material on record. The petitioner, by proposed amendment, seeks to change the nature of the suit altogether now claiming decree of declaration of title in respect of a land with a different identity altogether. This could not be permitted at this stage on proceeding. Therefore, the Court below has not committed any jurisdictional error in rejecting the application for amendment in the plaint.

4. The petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge