

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.548 of 2014**

1. Ramayan Ji Diwan son of late Shri Renuka Prasad, aged about 40 years,
2. Champa Devi, wife of late Renuka Prasad Diwan, aged about 60 years,

Both are by Caste-Bramhan, resident of Village-Kadar, Police Station-Chakarbhatta, Tahsil-Bilha, District-Bilaspur (CG)

----Petitioners**Versus**

1. Sona Bai wife of late Shri Neelkanth Tiwari, aged about 55 years, daughter of late Shri Jagannath Diwan, Caste-Bramhan, resident of Village-Behind Police Station-Masturi, Tahsil-Masturi, District-Bilaspur (CG)
2. Smt.Anita Dubey wife of Shri Brajesh Dubey, aged about 33 years, Caste-Bramhan, resident of Village-Kadar, Police Station-Chakarbhatta, Tahsil-Bilha, District-Bilaspur (CG)
3. State of Chhattisgarh, through the Collector, Bilaspur (CG)
4. Smt.Rama Tiwari daughter of late Shri Renuka Prasad, aged about 45 years, wife of Shri Dinesh Tiwari, resident of E.W.S.-15, Shivaji Nagar, Korba, Police Station-Rampur, Tahsil and District Korba (CG)
5. Ku. Shweta Dubey daughter of Shri Manoj Dubey, aged about 8 years,
6. Ku.Nanhi Dubey daughter of Shri Manoj Dubey, aged about 4 years,

Respondents No.5 & 6 are minor, through legal guardian Shri Manoj Dubey son of Shri Ramswarup Dubey, resident of Village-Podi (Mohda), Police Station-Ratanpur, Up-Tahsil Ratanpur, District Bilaspur (CG)

---- Respondents

For Petitioners	:	Mr.C.K.Kesharwani, Advocate
For Res.No.1 and 2	:	Mr.L.C. Das, Advocate
For Respondent No.3	:	Mr.Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

27/08/2018

1. By the impugned order, the trial Court has rejected the application filed by the petitioners/plaintiff under Order 6 Rule

17 of the CPC on the ground that same would change the nature of suit.

2. Learned counsel for the petitioners would submit that on account of typographical error, correct suit land could not be mentioned in the plaint.
3. On the other hand, learned counsel for respondents No.1 and 2 would support the impugned order.
4. I have heard learned counsel for the parties and perused the impugned order.
5. Since trial has not commenced, suit has not proceeded and the mistake appears to be bonafide due to inadvertent typographical mistake, it would be expedient to allow the amendment subject to payment of cost of ₹ 2000/- to defendants No.1 and 2. Amendment will be incorporated before the trial Court on the next date of hearing and cost will be paid to defendants No.1 and 2 on that day. The trial Court is directed to conclude the trial and decide the suit within a period of six months from the receipt/production of certified copy of this order.
6. With the aforesaid observation, the writ petition finally stands disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-