

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 44 of 2018

Ram Bai D/o Late Shri Phool Singh, Aged About 32 Years Caste Bhaina, R/o Kargikhurd, Tehsil Kota, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Fekuram Son of Late Phool Singh, Aged About 50 Years.

2. Ramu Singh, Son of Late Phool Singh, Aged About 42 Years.

Both are by Caste Bhaina and R/o Lamerapara, Kota, Tehsil Kota, District Bilaspur, Chhattisgarh.

3. State Of Chhattisgarh, Through Collector, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For petitioner – Shri C.P. Lahrey, Advocate.
For State- Shri S.R.J. Jaiswal, PL

Hon'ble Shri Justice Goutam Bhaduri

Order

29/01/2018

Heard.

1. Instant petition is against the order dated 13/09/2017 wherein an application to amend the written statement was dismissed.
2. Perusal of the order and the document on record would show that suit was filed in the year 2014 wherein written statement was filed by the defendant in the year 2015 itself wherein defendant has claimed that the suit property has been bequeathed in her favour by the deed of WILL dated 13/02/2009. No counter claim has been made by the defendant. Perusal of the order would show that after closure of the evidence of the plaintiff, proposed amendment has been made and perusal of the amendment also only speaks about the mutation proceeding. In view of the fact that suit is by the defendant for declaration and permanent injunction, in absence of any counter claim, by the defendant, denial of proposed nature of amendment would not cause any irreparable loss or

prejudice to the defendant as the defendant has already made denial of the averment of the plaint.

3. In view of this, taking into stage of the application i.e. filed at much belated stage after closure of evidence of plaintiff and nature of application for amendment, I do not find any reason to interfere in the order rejecting the amendment.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE