

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 331 of 2018**

- Laxmi Narayan Soni S/o Late Chinta Mani Soni, Aged About 54 Years R/o Street No. 30, Quarter No. 6/B, Sector - 01 , Bhilai Tahsil And District Durg Chhattisgarh

---- Petitioner**Versus**

1. Smt. Rajkumari Chigani W/o Suresh Kumar Chigani Aged About 57 Years R/o Patakha Godaam Village Umda, Tehsil Patan, (Bhilai - 3) District Durg Chhattisgarh
2. State of Chhattisgarh , Through Collector , Durg District Durg Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For Respondent No.2/State:		Ms. Astha Shukla, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/04/2018**

1. Heard.
2. The instant petition is against the order dated 09.03.2018, whereby applications preferred under Order 6 Rule 17 and Order 7 Rule 14 CPC were dismissed.
3. Perusal of the document filed with the petition would show that the suit was filed by the plaintiff that the defendant be restrained to interfere in the possession of the plaintiff and be restrained to stop the access of road to the property and permanent injunction has been sought. Subsequently, the amendment was moved only on the ground that after obtaining certain document from the revenue department para 5 A, 5 B, 5 C, 5 D & 5 E, the

plaintiff/petitioner want to add by way of amendment. No reason has been assigned as to why the necessity of the amendment exists even after the evidence of the plaintiff and defendant, the order would show that the case is fixed for final arguments. No reasons has been assigned in the application under Order 6 Rule 17 CPC as to why he could not amend it earlier. Another application which filed under Order 7 Rule 14 CPC, wherein certain documents were sought to be filed. Stage of the trial is at the final hearing and in both the applications what is the ground of delay has not been properly assigned, therefore, in view of the law laid down in the case of ***Vidyabai and others Vs. Padmalatha and another*** {(2009) 2 SCC 409} there is no fact exists to record positive fact that insptie the due diligence amendment could not be proposed to be incorporated.

4. In view of this, I do not find any reason to interfere with such order. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu