

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 446 of 2018

Banke Bihari Singh Chandel, S/o. Late Shri Sant Singh Chandel, Aged About 59 Years, Caste Kshatriya, R/o. Village Kosa, P.S. Mulmula, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh.

---- **Petitioner**

Versus

1. Anil Singh @ Vijay Singh, S/o. Late Chandra Bhushan Singh, Aged About 55 Years, Caste Kshatriya.
2. Shravan Singh, S/o. Late Chandra Bhushan Singh, Aged About 52 Years, Caste Kshatriya.

Both are R/o. Village Kosa, P.S. Mulmula, Tahsil Pamgarh & District Janjgir Champa (Chhattisgarh) & Presently R/o. Kosabada, Baniya Para, Juna Bilaspur, Tahsil & District Bilaspur Chhattisgarh.

3. State Of Chhattisgarh, Through Collector, Janjgir, District Janjgir-Champa Chhattisgarh.

---- **Respondents**

 For Petitioner : Mr. Ishwar Jaiswal, Advocate
 For State : Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.05.2018

Heard

1. The present petition is against the order dated 01.05.2018 whereby the application under Order 6 Rule 17 of C.P.C. moved by the plaintiff/petitioner claiming the right by adverse possession was dismissed.
2. Perusal of the order would show that the case is already fixed for final argument and at the last stage, the application to amend the plaint was filed raising plea that the plaintiff has become the owner by adverse possession. The said amendment sought for was made at the final stage when the case was fixed for argument.
3. Following the principles laid down in case of ***Gurdwara Sahib v. Gram Panchayat Village Sirthala & Another*** reported in (2014)

1 SCC 669, there is a bar exists to claim the right by adverse possession and in any case, there is no justification has been shown that the amendment was not filed earlier though the fact was within the knowledge of the plaintiff on the date when the suit was filed. Under the circumstances, I do not find any reason to interfere with the order passed by the Court below.

4. Accordingly, the petition has no merit and it is dismissed at the admission stage itself.

Ashok

Sd/-
(Goutam Bhaduri)
Judge