

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 956 of 2017

V. Kameshwar Rao S/o V. Ramamurti R/o Qtr. No. B/401 , Sai
Parisar , Srikant Verma Marg Bilaspur Tahsil & District Bilaspur
Chhattisgarh.

---- Petitioner

Versus

Murari Lal Gupta S/o Late Durga Prasad Gupta R/o In Front Of
CIMS SBI ATM , Main Road, Sadar Bazar, Bilaspur Chhattisgarh.

---- Respondent

For petitioner – Smt. Astha Shukla, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

08/01/2018

Heard.

1. Instant petition is against the order dated 8/11/2017 wherein amendment petition has been allowed in the execution wherein further amount has been claimed.
2. Learned counsel for the petitioner would submit that without any rhyme or reason amendment has been allowed though on the earlier occasion amount of the decree has already been quantified, therefore amendment cannot be allowed.
3. It is settled preposition that if decretal amount is sought to be amended then by mere allowing the application for amendment *ipso facto* decree and the attachment cannot be issued on it. If amendment is allowed executing court is bound to see the claim made in it whether it goes out of decree or not and if it is satisfied then only attachment order can be issued. If amendment is disallowed in such eventuality decree holder shall not be given any opportunity to raise his claim. Raising any claim in the decree is not conclusive proof of the fact that correct amount has been claimed which is under the decree. Therefore by mere

amendment no prejudice is caused. The executing court shall be under obligation to examine the fact whether amended part are covered within the decree.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE