

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 560 of 2018**

Tansen S/o Muturram, Aged About 42 Years Caste Aghariya,
 Profession Agriculturist, R/o Village Saposh, Tahsil Dabhra, District
 Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa,
 Chhattisgarh **--- Petitioner**

Versus

1. Vikas S/o Govind, Aged About 25 Years Caste Abhariya, R/o
 Kosmanda, Tahsil Dabhra, District Janjgir- Champa, Chhattisgarh.
2. Stae of Chhattisgarh, through The District Collector, District Janjgir-
 Champa, Chhattisgarh. **--- Respondent**

For the Petitioner	:	Mr. Alok Dewangan, Advocate.
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board**11.07.2018**

1. The present petition is against the order dated 21.06.2018 passed by the learned First Additional District Judge, Sakti, District Janjgir Champa wherein the application under Order 6 Rule 17 of CPC read with section 151 seeking amendment in the plaint has been dismissed.
2. It is contended that in respect of the suit property, the agreement was executed on 28.3.2012 and though the stamp was purchased on 24.03.2012 but at the time of executing the agreement, the document writer has inadvertently written as 28.3.2011 instead of 28.3.2012. It is further submitted that the entire evidence has been adduced that the document was executed on 28.03.2011 and the agreement which has been exhibited also shows the date of execution to be 28.3.2011, therefore, necessary amendment

may be directed to be made.

3. It appears that in application filed under Order 6 Rule 17 read with section 151 of CPC seeking amendment which was dismissed by the Court below, the petitioner submitted that the sale agreement was executed on 28.3.2012 but at the time of execution of the agreement, the document writer has written the date as 28.3.2011 instead of 28.3.2012. In the said application, it was also stated the stamp was purchased on 28.3.2012, therefore, the amendment was sought for in the plaint to the effect that the date of 28.3.2011 be substituted by 28.3.2012.
4. perused the document. The statement of the petitioner shows that he has taken the stand that the agreement was executed on 2011. Therefore, at the fag end, all of a sudden, the date cannot be changed. The photocopy of the agreement Ex.P-5 which is placed on record also shows that the date is written in the stamp paper as 28.3.2011, therefore, at this stage amendment of pleading in the plaint would entirely change the nature of the case.
5. In the result, I am not inclined to interfere with the dismissal order passed by the Court. Accordingly, this writ petition is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**