

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No.1013 of 2015

1. Janakram Sahu S/o Shriram Lal Sahu, aged about 31 years
 2. Ramlal Sahu S/o Late Shri Mantri Sahu, aged about 51 years
 3. Smt. Shambatti Sahu W/o Shri Ram Lal Sahu, aged about 48 years
- All are R/o Village & Post – Kharora, Tahsil & P.S.-Palari, Civil & Revenue Distt. Balodabazar-Bhatapara (CG)

---- Petitioners

Versus

1. Monika Sahu (Minor) D/o Janak Ram Sahu, aged about 9 years, through its guardian (Nani) Smt. Puniya Bai Sahu W/o Shri Purushottam Sahu, R/o Village – Kukra, Subtahsil-Mandir Hasaud, Tahsil-Arang, Distt. Raipur (CG)
2. State of Chhattisgarh, Through the Collector, Balodabazaar, Distt. Balodabazaar-Bhatapara (CG)

---- Respondents

For Petitioners	:	Mr.Anil Singh Rajput, Advocate
For Respondent No.2	:	Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22.11.2018

1. By the impugned order, the petitioners'/defendants' application under Order 1 Rule 10 of the CPC and Order 6 Rule 17 of the CPC has been rejected by the trial Court.
2. Learned counsel for the petitioners would submit that the impugned order is unsustainable and bad in law.
3. I have heard learned counsel for the petitioners and perused the impugned order.
4. Considering that the suit is at initial stage and the defendants' evidence yet to commence and considering the nature of amendment, application for amendment filed by the petitioners/defendants under Order 6 Rule 17 of the CPC is allowed

and the defendants are permitted to amend their written statement subject to payment of cost of ₹ 2000/- to the plaintiff on the next date of hearing. However, the plaintiff is entitled to make consequential amendment in her suit.

5. So far as the application under Order 1 Rule 10 of the CPC is concerned, the plaintiff is *dominus litis* and she cannot be compelled to implead the parties, she can make the parties according to her wishes, as such, the trial Court is justified in rejecting the application under Order 1 Rule 10 of the CPC.
6. In view of above, the writ petition is partly allowed to the extent indicated hereinabove. A copy this order be sent to the concerned trial Court. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-