

HIGH COURT OF CHHATTISGARH, BILASPURWP227 No.10 of 2019

Hemao Devi Sahu wife of Shri Sakal Dev Sahu, aged about 53 years, resident of R.D. Heights Room No.305, behind Rama Green City, Khamtarai Raod, Sarkanda, Tahsil & District-Bilaspur (CG)

---- Petitioner

Versus

1. Saumya Deep Sharma @ Abhinav Sharma, aged about 28 years, son of Bhupendra Sharma, Caste-Bramhan, resident of Nirala Nagar, near Old Bus Stand, Bilaspur, District-Bilaspur (CG)
2. Ashutosh Kesharwani, aged about 24 years, son of Virendra Kesharwani, resident of Kashyap Colony, R.K. Boot House Street No.4, Bilaspur, District-Bilaspur (CG)
3. State of Chhattisgarh, through the Collector, Bilaspur (CG)

---- Respondents

For Petitioner	:	Mr.Gautam Khetrapal, Advocate
For Respondents No.1 and 2	:	Mr.Himanshu Sinha, Advocate
For Respondent No.3	:	Ms Shivali Dubey, P.L.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board06/08/2019

1. By the impugned order, the plaintiff's application for amendment has been rejected by the trial Court.
2. Mr.Gautam Khetrapal, learned counsel for the petitioner/plaintiff, would submit that the trial Court is absolutely unjustified in rejecting the application for amendment as even written statement has not been filed by the defendants and amendment is relating to payment of court fee, therefore, it ought to have allowed.
3. On the other hand, Mr.Himanshu Sinha, learned counsel for respondents No.1 and 2, would support the impugned order.

4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. Taking into consideration the stage of trial as written statement is yet to be filed by the defendants and amendment is relating to payment of court fee, the application for amendment is allowed and the plaintiff is permitted to amend his plaint within 10 days from the date of receipt of certified copy of this order. However, the defendants are also at liberty to raise all permissible plea in written statement, if already not raised.
6. With the aforesaid direction, the writ petition finally stands disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

B/-