

HIGH COURT OF CHHATTISGARH, BILASPURW.P. (Art. 227) NO. 149 of 2019

Vijay Agrawal S/o Late Shri Ramanand Agrawal, aged about 38 years,
R/o Deepak Nagar, Durg, Tahsil and District Durg (C.G.)

---- Petitioner

Versus

1. Brajesh Nagariya S/o M.D. Nagariya, aged about 48 years, R/o Nirankar Furniture, Station Road, Durg, Tahsil and District Durg (C.G.)
2. Gyanesh Dubey S/o Govind Prasad Dubey, aged about 40 years, R/o Sikola, Durg, Tahsil and District Durg (C.G.)
3. Mohammad Sajjat (Jamin Dalal), aged about 33 years, R/o Deepak Nagar, Durg.
4. Ghanshyam Singh Thakur Revenue Inspector, Durg (C.G.)
5. Shiv Kumar Sahu, Patwari P.H. No. 17, Sikola, Durg, District Durg (C.G.)
6. State of Chhattisgarh, through Collector, Durg, District Durg (C.G.)

---- Respondents

For Petitioner : Mr. H.B. Agrawal, Senior Advocate with
Mrs. Prabha Sharma, Advocate .

For Respondent No. 6 : Ms. Tripti Rao, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****11.03.2019**

1. By the impugned order, application filed by respondents No. 1, 2 and 3 under Order 6 Rule 17 of the CPC has been allowed by the trial Court.
2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law as he has not been permitted to file consequential amendment.
3. I have heard learned counsel for the petitioner on the question of admission of the writ petition and perused the impugned order.
4. The petitioner has not moved the application for consequential amendment before the trial Court and directly approached to this Court stating that he has not permitted to make an application for consequential amendment. I do not find any merit in this writ petition.

5. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to file an application for consequential amendment before the trial Court in accordance with law. If such an application is filed, the trial Court shall consider and decide the same on its own merit in accordance with law. The suit is pending since 2008, the trial Court is directed to expedite the trial and conclude it within 45 days from today. A copy of this order be sent to the concerned trial Court by E-mail/fax by tomorrow positively. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

Pawan