

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP227 No. 136 of 2019**

- Poonamchand Agrawal, S/o Lalchand Agrawal, Aged About 48 Years, R/o Gandhi Ganj, Raigarh, Tehsil Post and District-Raigarh, Chhattisgarh.

**---- Petitioner**

**Versus**

1. Yashwant Sanwariya, S/o Nanhelal Sanwariya, Aged About 76 Years R/o Gandhi Ganj, Raigarh, Tehsil, Post and District-Raigarh, Chhattisgarh.
2. Smt. Savita Sanwariya, Wd/o Late Shri Devendra Sanwariya, Aged About 70 Years, R/o Gandhi Ganj, Raigarh, Tehsil, Post and District-Raigarh, Chhattisgarh.

**---- Respondent**

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| For petitioner  | : | Mr. Harshwardhan , Advocate. |
| For respondents | : | Mr. Y.C. Sharma, Advocate.   |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**06/12/2019**

1. The petition has been brought being aggrieved by the order dated 8.9.2015 passed by the learned 1<sup>st</sup> Civil Judge, Class-II, Raigarh by which application filed by petitioner under Order 8 Rule 1 of CPC for filing additional documents and application under Order 6 Rule 17 for amendment, have been rejected.
2. Learned counsel for the petitioner submits that the respondents have brought an eviction suit against the petitioner in which the written statement was filed by the petitioner. In order to contest the plea of bonafide need raised by the plaintiffs/respondents in their suit, an application was filed by the petitioner for taking additional documents on record and also for amending the written statement, which have been erroneously rejected by the trial Court. Therefore, it is prayed that this petition be allowed and appropriate order be passed.

3. Learned counsel for respondent opposes the petition and submissions made in this respect and submits that the documents proposed to be filed as also amendment proposed to be made are not essential for disposal of the suit and hence, the trial Court has not committed any error in rejecting the said applications.
4. After perusing the impugned order and copy of the application filed and the proposed amendment, I am of this view that the petitioner should be allowed to incorporate the amendment and to produce the documents on record, however, the respondents shall have the liberty to file documents, if any, in rebuttal and also for consequential amendments in the plaint.
5. Accordingly, the petition is allowed at the motion stage itself. The impugned order is set aside and the applications for filing document on record by the petitioner and also application for amendment are allowed. The trial Court is directed that the petitioner be afforded opportunity to incorporate pleading in the written statement.
6. It has been brought to the notice of this Court by the counsel for respondent that the civil suit between the parties is pending for the last 22 years and this being the position, the trial Court concerned is also directed to expedite the trial and conclude the same expeditiously, preferably within 8 months from the date of communication of this order.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge