

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 407 of 2019

Girdhar Gopal Sharma, Son of Bhagirathi Sharma, aged about 51 years,
Resident of Subhash Ward Bhatapara, P.S. Bhatapara, District Baloda
Bazar, Bhatapara, Chhattisgarh.

---- Petitioner

Versus

Geeta Sharma, Wife of Girdhar Gopal Sharma, aged about 56 years,
working as Lecturer (English) Sahayak Pariyojan Samanvayak, Zila
Pariyojana Karyalaya Rajeev Gandhi Shiksha Mission, Durg, District
Durg, Chhattisgarh. Through Vijay Sharma, Son of Nand Kishore
Sharma, Resident of Gunderdehi, in front of Nari Jagarana Kendra
Ruabandha, Bhilai Power House, Quarter No. B.K. 41 D, District Durg,
Chhattisgarh.

--- Respondent

For Petitioner : Mr. A.P. Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15.05.2019

1. By the impugned order dated 16/04/2019, petitioner's application under Order 6 rule 17 of the CPC for seeking amendment in the plaint was rejected by the trial Court holding that the evidence of both the parties have been closed and the case is fixed for final hearing against which this writ petition under Article 227 of the Constitution of India has been preferred by him.
2. Learned counsel for the petitioner submits that the impugned order dated 16/04/2019 passed by the learned trial Court is unsustainable and bad in law and is liable to be set aside.
3. I have heard learned counsel for the petitioner, considered his

submissions and went through the record with utmost circumspection.

4. Learned trial Court has clearly recorded the finding that petitioner's application was filed at a later stage and that no valid reason has been shown as to why it could not have been preferred by the petitioner prior to the commencement of the trial and why it was filed after the closure of evidence of both the parties. Learned trial Court is absolutely justified in recording the said finding in which I do not find any perversity or illegality warranting interference under Article 227 of the Constitution of India.
5. This writ petition, being devoid of merits, deserves to be and is accordingly dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge