

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 546 of 2018**

Smt. Madhuri Chaudhari, present aged 47 years, W/o Shree Suryakant, R/o Hirwani Type Centre, Main Road, Dongargaon, Tahsil and Post Dongargaon, Distt. Rajnandgaon (C.G.)

----Petitioner/plaintiff

Versus

Holy Gyan Ganga Education and Welfare Society, by President, Holy Gyan Ganga Education, and Welfare Society – Maa Danteshwari Chowk, Rajendra Ward No. 13, Dongargaon, Distt. Rajnandgaon (C.G.)

---- Respondent/defendant.

For Petitioner	:	Mr. Parag Kotecha, Advocate.
For Respondent	:	None present.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/01/2019

(1) By the impugned order dated 14.5.2018, the plaintiff's /decree holder application filed under Order 6 Rule 17 of the Code of Civil Procedure (for short "CPC") has been rejected by the trial Court, against which this writ petition has been preferred.

(2) Learned counsel appearing for the petitioner would submit that the impugned order is bad and unsustainable and, therefore, the same is liable to be set aside.

(3) I have heard learned counsel for the petitioner and perused the impugned order.

(4) By way of filing application under Order 6 Rule 17 of the CPC, the plaintiff / decree holder wanted to amend the decree passed by the trial Court, which has been declined by the Executing Court by the impugned order. As the decree has attained finality, the decree cannot be corrected except on the ground of clerical error or typographical error; and petitioner's earlier application under Order 6 Rule 17 of the

CPC has already been rejected by the trial Court, as such, I do not find any illegality or perversity in the impugned order warranting interference under Article 227 of the Constitution of India.

(5) Accordingly, the writ petition fails and is hereby dismissed. However, the Executing Court is directed to decide the execution case expeditiously preferably within a period of three months from the date of receipt of certified copy of this order as the original decree was passed on 30.08.2007.

(6) Copy of the order be sent to the concerned trial Court through District Judge for compliance and needful.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

