

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227. No. 773 of 2018**

Mohd. Rizwan S/o Late Mohd. Razik Khan Aged About 37 Years R/o.
Bayron Bazar, Near Yunani Dawakhane, Raipur Chhattisgarh.

---- Petitioner**Versus**

1. Smt. Shahin Begum W/o Abdul Junaid Aged About 39 Years R/o.
Bayron Bazar, Near Yunani Dawakhane, Raipur Chhattisgarh.
2. Mohd. Faizan S/o Late Shri Razik Khan Aged About 33 Years.
3. Smt. Yasmin Begum W/o Shri Abdul Razik Aged About 35 Years.
Both are R/o Bayron Bazar, Near Yunani Dawakhane, Raipur
Chhattisgarh.
4. State of Chhattisgarh Through The Collector, Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Sharad Mishra, Advocate.
For State	:	Ms. K.Tripti Rao, PL.
For Respondents No.1.	:	Mr. Manoj Paranjpee & Mr. Anurag Singh, Advocates.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09.01.2019**

1. By order dated 07.09.2017 this Court permitted respondent
No1/plaintiff to amend the plaint and partly allowed the writ petition.

Para 4 of the said order reads as follows :-

“After hearing learned counsel for the petitioner and considering the fact that the petitioner has filed application seeking amendment in the relief clause making shorter relief of claiming 1/6 share in the suit property, I deem it appropriate to grant the relief sought for subject to payment of cost of Rs. 2,000/- to defendants No.1 to 3 payable on the next date of hearing and thereafter, the plaintiff will incorporate the amendment and the trial Court would proceed further with the matter. If respondents No.1 to 3 herein are aggrieved, they may make an application for modification of this order.

2. Thereafter, the trial Court permitted the plaintiff to carry out the amendment and the plaintiff made amendment in the pleadings which was opposed by the defendants by filing an objection and by order dated 05.02.2018 the same has been rejected by the trial Court.
3. A careful perusal of the order dated 07.09.2017 would show that this Court has allowed the writ petitioner therein ie. the plaintiff only to make amendment in the relief clause, therefore, the trial Court ought not to have allowed the amendment in the pleadings.
4. Accordingly, the writ petition is allowed and the impugned order dated 05.02.2018 is set aside, the trial Court is directed to ensure that the amendment is only limited to relief clause as per order dated 07.09.2017.
5. The trial Court is directed to be careful in future.
6. A copy of this order be sent to the learned Tribunal directly and through Email and Fax.
7. Certified copy as per rules.

Sd /-

(Sanjay K. Agrawal)

Judge