

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 803 of 2019

1. Vinod Khemani Son Of Shri J.R. Khemani Aged About 41 Years
2. Smt. Madhu Khemani Wife Of Shri Sunil Khemani Aged About 41 Years
(Both are resident Of Gali No. 4, Telhibandha, Raipur Chhattisgarh)

---- Petitioners

Versus

1. Smt. J. S. Minj Wife Of Late D.K. Minj Resident Of H.I.G. No. 228, Baag
Mugaliya Extension, Bhopal, Madhya Pradesh
2. Shri (Wrongly Typed As Shral) Lakshman Jagwani Son Of Late
Sheetaldas Jagwani Resident Of Beside Liberty Copy Centre, Kutchery
Chowk, Raipur Chhattisgarh

---- Respondents

For Petitioner : Mr. Ankur Agrawal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-11-2019

Heard.

1. This petition has been brought under Article 227 of the Constitution of India being aggrieved with the order passed by the trial Court in Civil Suit No.231A/2015 on 03.10.2019 by rejecting the application of the petitioner/plaintiffs filed under Order 6 Rule 17 of C.P.C. read with Section 151 of C.P.C.
2. Learned counsel for the petitioner submitted that the petitioner/plaintiff has sought amendment of plaint on the ground of the subsequent development which has occurred due to an agreement between the parties on 06.03.2018, whereas the suit is filed since the year 2015. It is submitted that the trial Court has erroneously rejected the application.
3. Considering on the submissions so made, the pleadings sought to be

incorporated in the plaint is a subsequent development which, is needed to be considered by the trial Court as the impugned order does not reflect any consideration made on this point. Therefore, on this ground this petition is allowed at the motion stage without notice to the respondents. The impugned order rejecting the application for amendment is set aside and the trial Court is directed to reconsider on the application filed by the petitioner/plaintiff for amendment on the basis of the observations made hereinabove.

4. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika