

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227. No. 17 of 2019**

Kriparam Koushik S/o Shri Khorbahara Koushik Aged About 50 Years R/o Village Sejbahar, Tahsil And District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. Pawan Joshi S/o Radheshyam Joshi Aged About 43 Years R/o E-16, Anupam Nagar, Tahsil And District Raipur Chhattisgarh.
2. State Of Chhattisgarh Through Collector Raipur, District Raipur Chhattisgarh.
3. Onkar Yadav S/o Shobha Yadav R/o Gopiyapara, Raipur, Tahsil And District Raipur Chhattisgarh.

---Respondents

For Petitioner : Mr. C.R. Sahu, Advocate.

For State : Ms. K. Tripti Rao, PL.

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

1. Heard.
2. By the impugned order dated 19.11.2018 defendant's application for seeking leave to amendment in the written statement has been rejected by the trial Court on the ground of non-compliance of proviso to Order 6 Rule 17 of the C.P.C against which this writ petition has been preferred.
3. I have heard learned counsel for the petitioner and perused the impugned order.
4. Since the application has been rejected by the trial Court on the technical ground of non-compliance of proviso to Order 6 Rule 17, the impugned order is set aside and petitioner is at liberty to file a fresh application consistent with proviso to Order 6 Rule 17 of the C.P.C, which will be considered by the trial Court in accordance with law without being prejudiced by impugned order.
5. With the aforesaid observation and direction, the writ petition stands finally disposed off. A copy of this order be sent to the concerned trial Court directly and through Email and Fax.
6. Certified copy as per rules.

Sd /-

(Sanjay K. Agrawal)
Judge