

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.78 of 2020

- Baburam S/o Late Budhu Satnami, Aged About 60 Years R/o Village Pasid, Tahsil Bhatapara, District Baloda Bazar Bhatapara (Chhattisgarh)

---- Petitioner

Versus

1. Bhulin Bai D/o Budhu Satnami, Aged About 60 Years R/o Village Pasid, Tahsil Bhatapara, District Baloda Bazar Bhatapara Chhattisgarh. Presently Residing At Village Kutela, Tahsil Masturi, District Bilaspur Chhattisgarh
2. State Of Chhattisgarh Through Collector, Baloda Bazar Bhatapara Chhattisgarh

---- Respondents

For Petitioner	: Mr. Pushpendra Kumar Patel, Advocate.
For State/respondent No.2	: Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-01-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 04.01.2020 passed in Civil Appeal No.5-A/2018, by Additional District Judge, Bhatapara, District- Balodabazar, C.G. The petitioner/appellant filed an application under Order 6 Rule 17 of C.P.C. praying for amendment in the appeal memo. The learned appellate Court has by the impugned order rejected the same making a mention that all the contents of the proposed amendment can be raised at the time of argument.
2. It is submitted on behalf of the petitioner that order so passed by the learned Additional District Judge is erroneous and without application of mind, therefore, the order is not sustainable.

3. Considered on the submissions made by the learned counsel for the petitioner. The appeal has been filed by the plaintiffs has been filed against the decree of dismissal of suit and there are already pleadings of the parties completed before the trial Court and the same can be raised before the trial Court at the time of the arguments. Therefore, there is no necessity to incorporate the amendment proposed in the appeal memo, however, the petitioner has liberty to raise all the matter he has proposed to amend the appeal memo, at the time of argument. Hence, there is no need to pass any order in this case.
4. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika