

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.121 of 2020

- Gopichand Sahu S/o Late Shri D.S. Sahu Aged About 39 Years Resident Of Sarvoday Nagar, Pachpedi Naka, Raipur And District - Raipur Chhattisgarh

---- Petitioner

Versus

1. Yugal Dhruv S/o Niranjana Dhruv Aged About 46 Years Resident Of Village Dulna, Tahsil Abhanpur, Raipur, District - Raipur Chhattisgarh
2. Narendra Kumar Dhruv S/o Sukulram Dhruv Aged About 37 Years Resident Of Village Jhithridumar, P.O. Nahargaon, Police Station - Gariyaband, District - Gariyaband Chhattisgarh
3. State Of Chhattisgarh Through Collector Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner : Mr. A.D. Kuldeep, Advocate.

For State/respondent : Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-02-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 10.01.2020 of the trial Court in Civil Suit No.306A/2018 dismissing the application filed by the petitioner/plaintiff under Order 6 Rule 17 C.P.C.
2. Learned counsel for the petitioner submitted that the petitioner/plaintiff have filed a Civil Suit praying for relief of the declaration and injunction and also specific performance of contract. The petitioner had filed an application for amendment in the pleadings, in which he wants to incorporate amendment with respect to will executed by the mother of respondent/defendant No.1. The learned trial Court has dismissed the application mentioning that the proposed amendment has no relevance

and connection with the pleadings already present in the plaint and dismissed the application. It is further submitted that the impugned order is erroneous, arbitrary and against the provision of law, therefore, it is prayed that it may be set aside.

3. Learned State counsel makes formal objection.
4. After considering on the submissions made and also perusing the impugned order the copy of application under Order 6 Rule 17 C.P.C. and other documents, I am of this view that at present there is no issue between the parties connected with the execution of any will, therefore, I do not find any error in the impugned order, hence, the petition is dismissed. However, if any such issue arises in future, the petitioner has liberty to file repeat application and also liberty to come before this Court.
5. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika