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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(227) No. 65 of 2020**

Vedprakash Dewangan, S/o. Hariram Dewangan, aged about 40 years,  
R/o. Tikripara, Ward No. 15, Gandai, Tahsil Chhuikhadan, District  
Rajnandgaon (Chhattisgarh) (Defendant)

**----Petitioner**

**Versus**

1. Ganesh Ram Dewangan, S/o. Late Banshilal Dewangan, aged about 55 years, Present R/o. 112, Punam Colony, Ward No. 17, Rajnandgaon, District Rajnandgaon Chhattisgarh.

Permanent R/o. Tikripara, Ward No. 12, Gandai, Tahsil  
Chhuikhadan, District Rajnandgaon Chhattisgarh (Plaintiff),

2. Smt. Jantri Bai Dewangan, W/o. Hariram Dewangan, aged about 60 years, R/o. Tikripara, Ward No. 15, Gandai, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh (Defendant),

**---- Respondents**

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For Petitioner : Mr. Shivendu Pandya, Advocate

For Respondent No.1. : Mr. Kshitij Sharma, Advocate

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**08/04/2021**

1. This petition has been brought being aggrieved by the order dated 29.11.2019, in Civil Suit No. 3-A/2014, by the learned

Additional District Judge, Khairagarh, District – Rajnandgaon (C.G.), by which the application filed by the petitioner/defendant No.1 under Order 6 Rule 17 of C.P.C. was dismissed.

2. It is submitted by the learned counsel for the petitioner that because of typographical mistake, in paragraph 27 of the written statement, there is mention of ward No.15, which should have been ward No.12, which has to be actual statement of the petitioner in his written statement. The learned trial Court has erroneously rejected that application hence, it is prayed that this petition be allowed and the relief be granted to the petitioner.
3. Counsel for the respondent No.1 opposes the petition and the submissions made in this respect. It is submitted that the petitioner has suppressed the fact before this Court and obtained the stay order on 07.02.2020, whereas before that date, the evidence of the parties was completed and the case was fixed for final argument on 10.02.2020, therefore, separate application for vacating stay order has been filed. During the submission, however, it is conceded that, if the, prayer for amendment to correct the clerical error is to be allowed, the respondent No.1 has no objection.
4. Considering on the submissions, this petition is allowed and disposed off at motion stage. The amendment as prayed for in amendment application by the petitioner is allowed. The learned trial Court is directed to grant permission to the petitioner to

incorporate amendment in his written statement and proceed with the suit in accordance with the law.

5. It is also observed that it is an old civil suit, therefore, the proceeding of the same be expedited and it be disposed of as early as possible.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram