

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 3 of 2020

Smt. Sharad Jain Wd/o Late Dhanya Kumar Jain Aged About 52 Years
R/o Ward No. 12, Bajrang Chowk, Bazar Para, Newra, Tahsil Tilda,
District Raipur, Chhattisgarh.

---- Petitioner/ Applicant

Versus

Jugal Kishore Soni S/o Late Prahlad Rai Soni, R/o Ward No. 12, Newra,
Tahsil Tilda, District Raipur, Chhattisgarh.

---- Respondent/ Non-applicant

For Petitioner	: Shri Ramkumar Tiwari, Advocate with Shri F.S. Khare, Advocate.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-02-2021

Heard.

1. This petition has been brought being aggrieved by the order dated 4.11.2019, by which the application under Order VI Rule 17 of the CPC filed by the petitioner/ plaintiff has been dismissed by the trial Court.
2. Learned counsel appearing for the petitioner submits that earlier it was pleaded in the plaint that the khasra number of abadi land is 341. The petitioner came to know after obtaining a report from Patwari given to the Tehsildar that the actual khasra number of the suit property is 241, therefore, the prayer was made for amendment in the pleadings which has been dismissed by the impugned order.
3. It is submitted by counsel for the petitioner that the prayer that was made was based on clerical mistake that has occurred in preparing the pleadings. Therefore, the prayer should have been allowed by the trial Court in the interest of justice. It is further submitted that the petitioner has obtained a copy of report of Patwari that has been submitted to

Tehsildar in which it has been mentioned that the actual khasra number of the suit property is 241.

4. Considered on the submissions. This petition is hereby disposed of at motion stage and the impugned order passed by the trial Court is set aside. The application under Order VI Rule 17 of the CPC filed by the petitioner is restored. It is directed that the petitioner be afforded opportunity to file additional document in support of this application and the respondent's side may also be afforded opportunity to file reply and then the trial Court may proceed to pass an appropriate order on this application again after giving opportunity of hearing to the parties.
5. Accordingly, the petition is disposed of.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi