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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1286 of 2026

Nemeshwar Singh S/o Kapil Ram Sahu Aged About 46 Years R/o Village Piparchhedi (Demar) Tehsil And District Dhamtari (C.G.)

... Petitioner(s)

versus

1 - Pradeep Munjwani S/o Shri Ashok Munjwani Aged About 41 Years R/o Infront Of Gol Bazar Dhamtari, Tehsil And District Dhamtari (C.G.)

2 - Pratik Munjwani S/o Shri Ashok Kumar Munjwani, R/o Infront Of Gol Bazar Dhamtari, Tehsil And District Dhamtari (C.G.)

3 - State of Chhattisgarh Through Collector Dhamtari, District Dhamtari (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s)	**:**	Mr. Pranay Gupta, Advocate.
For Respondent(s)	**:**	Mr. Rohan Shukla, Panel Lawyer.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.
Order on Board

06/10/2026

Heard.

1. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner against the impugned order dated 25.08.2026 passed by the learned Principal Judge, Dhamtari, District Dhamtari, in Civil Suit No. 3A/2024, whereby the application filed by the petitioner

under Order VI Rule 17 of the CPC for amendment in the plaint has been rejected.

2. Learned counsel for the petitioner would submit that the petitioner is the plaintiff before the learned trial Court and is prosecuting a suit for declaration of title and permanent injunction over the suit property, i.e., the suit land bearing Khasra Nos. 292, 504/3 and 505, admeasuring 0.11 hectare, 2.28 hectare and 0.04 hectare, respectively, situated at Village Piparchhedi, Tehsil and District Dhamtari. The plaintiff is in possession of the suit land; however, when the plaintiff was in need of money for his agricultural purposes, he obtained a loan from defendant Nos. 1 and 2 for Rs.29,00,000/-, and they advanced a loan of Rs.29,00,000/- in various instalments and got the sale deed executed in their favour, which was a nominal sale deed executed on 04.03.2022. The possession of the suit land was never handed over to defendant Nos. 1 and 2, and the plaintiff is still in possession of the same. The suit land was mutated in the names of defendant Nos. 1 and 2 on the basis of the said nominal sale deed dated 04.03.2022, and they tried to dispossess the plaintiff from the suit land, for which the suit has been filed. He would further submit that during the pendency of the suit, an application has been filed by the plaintiff under Order VI Rule 17 of the CPC for amendment in the plaint. With respect to the amendment, it was proposed that if it is found that the plaintiff is not in possession of the suit land, possession of the suit land may be delivered to the plaintiff, and accordingly, the valuation was also sought to be amended. He would further submit that the learned trial Court has rejected the application of the plaintiff, holding that the proposed amendment is inconsistent with the original pleading made by the

plaintiff in the plaint. He would further submit that there is no inconsistent pleading sought to be amended in the plaint, as the proposed amendment is a clarification and a subsequent development in the suit, which does not change the nature of the suit, nor would the jurisdiction of the learned trial Court be changed. Therefore, the said pleading may be allowed to be incorporated in the plaint.

3. I have heard learned counsel for the petitioner and perused the documents annexed in the plaint.

4. From perusal of the copy of the plaint, Annexure P/3 in the petition, it transpires that the plaintiff has claimed that he is in possession of the suit land, though a sale deed was executed on 04.03.2022 in favour of defendant Nos. 1 and 2. In the plaint, the plaintiff has specifically claimed that he is in possession and that possession of the suit land was never handed over to defendant Nos. 1 and 2. The sale deed is only a nominal sale deed in lieu of the loan transaction between them. In the plaint, the plaintiff has only claimed declaration of title and permanent injunction. From perusal of the application filed by the plaintiff under Order VI Rule 17 read with Section 151 of the CPC, Annexure P/4, it transpires that the plaintiff has proposed the amendment to be incorporated in Para 2A of the plaint to the effect that defendant Nos. 1 and 2 are claiming possession over the suit land and, if it is found by the learned trial Court that defendant Nos. 1 and 2 are in possession of the suit land, the same may be delivered to the plaintiff, and he has claimed possession over the suit land.

5. The pleadings made by the plaintiff in the plaint as well as in the proposed amendment are mutually inconsistent in view of the subject transaction, as has been disclosed by the plaintiff in the suit. The claim

of the plaintiff is founded on the fact that he is in possession, and now he has deviated from his pleading in the plaint on the premise that, if it is found that the plaintiff is not in possession of the suit land, possession may be delivered to him, which is a mutually inconsistent plea that the plaintiff wants to incorporate in the plaint. Further, the issues have been framed and the case has been fixed for the plaintiff's evidence. At this stage, the plaintiff has filed the proposed amendment application in view of the judgment passed by the Hon'ble Supreme Court in Vidyabai & Ors. v. Padmalatha & Anr. (2009) 2 SCC 409. The said amendment application cannot be entertained when the trial of the case has already commenced.

6. The learned Court has rejected the application on the ground that the plaintiff sought amendment in the plaint which is inconsistent with his original pleading and the same cannot be permitted. After having gone through the entire material produced by the petitioner in the petition, this Court does not find any jurisdictional error or illegality in rejecting the application filed by the petitioner.

7. The writ petition accordingly fails and is hereby **dismissed**.

Sd/-

(**Ravindra Kumar Agrawal)**
Judge

Alok