
(2019) 08 CHH CK 0038
In the Chhattisgarh High Court
Case No : WP227 No. 448 Of 2019

Teklal Nayak And Ors

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 05-08-2019

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2019) 08 CHH CK 0038

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : H.S. Patel, Ravi Bhagat

Final Decision : Disposed Of

Judgement

Sanjay K. Agrawal, J

1. This writ petition under Article 227 of the Constitution of India is directed against the impugned order dated 03/04/2019 by which learned trial Court has rejected the application for amendment in the plaint filed by the petitioners/plaintiffs herein, finding no substance in it.

2. Mr. H.S. Patel, learned counsel for the petitioners/plaintiffs would submit that the proposed amendment is relevant for just and proper disposal of the civil suit therefore, it ought to have been allowed by the trial Court.

3. Mr. Ravi Bhagat, learned deputy Government advocate for the State would submit that the impugned order is strictly in accordance with law.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

5. The civil suit was filed by the plaintiffs on 16/01/2014 whereas the amendment application was moved on the basis of demarcation report as well as on the basis of judgment and decree of other civil suit. The plaintiffs proposed to

make amendment stating that the old khasra number has now changed and the new khasra number needs to be incorporated in the plaint, therefore, the proposed amendment is based on the subsequent event which ought to have been allowed by the trial Court. As such, the impugned order passed by the trial Court is hereby set aside and the amendment application filed by the plaintiffs is allowed subject to payment of a cost of Rs. 2,000/- to respondents/defendants No. 2 to 6 before the trial Court. The defendants will be entitled to make consequential amendments in the plaint.

6. With the aforesaid observations, this writ petition stands disposed of. No order as to cost(s).