

**(2019) 09 CHH CK 0064**

**Chhattisgarh High Court**

**Case No:** WP227 No. 694 Of 2019

Shakuntala Jaiswal

APPELLANT

Vs

State Of Chhattisgarh, through  
District President Bilaspur And  
Ors

RESPONDENT

**Date of Decision:** Sept. 9, 2019

**Acts Referred:**

- Code Of Civil Procedure 1908 - Order 14 Rule 5

**Hon'ble Judges:** Sanjay K. Agrawal, J

**Bench:** Single Bench

**Advocate:** Juhi Jaiswal, Mateen Siddiqui

**Final Decision:** Disposed Of

### **Judgement**

Sanjay K. Agrawal, J

1. In a civil suit filed by the petitioner/plaintiff on 25/08/2008, the petitioner herein filed an application under Order 14 Rule 5 of the CPC on 22/07/2019

for correction in the issues already framed which was rejected by learned 9th Civil Judge Class II, Bilaspur vide impugned order dated 02/08/2019

against which this writ petition under Article 227 of the Constitution of India has been preferred by the petitioner.

2. Ms. Juhi Jaiswal, learned counsel appearing for the petitioner herein would submit that issues so framed by the trial Court are required to be

amended in light of the report submitted by the Commissioner, therefore, learned trial Court is absolutely unjustified in rejecting petitioner's application

under Order 14 Rule 5 of the CPC, as such, the impugned order is liable to be set aside.

3. I have heard learned counsel for the petitioner at length.

4. Learned trial Court has rejected petitioner's application under Order 14 Rule 5 of the CPC on the ground of delay holding that the suit is pending

since 25/08/2008 and the matter is at the stage of final hearing in which I do not find any infirmity or perversity warranting interference under Article

227 of the Constitution of India. However, learned trial Court is directed to consider the prayer made by the petitioner/plaintiff by way of her

application under Order 14 Rule 5 of the CPC and hear the parties at the time of final hearing without being prejudiced by the impugned order.

5. With the aforesaid direction/observation, this writ petition stands disposed of.

6. A copy of this order be sent to the concerned trial Court by e-mail/fax. Certified copy, as per rules.