

(2018) 08 CHH CK 0327

Chhattisgarh High Court

Case No: Writ Petition (227) No. 737 Of 2018

Feruram Verma

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 28, 2018

Acts Referred:

- Code Of Civil Procedure 1908 - Order 6 Rule 17

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Vaibhav A. Goverdhan, Avinash Singh

Final Decision: Disposed Of

Judgement

Sanjay K. Agrawal, J

1. Learned counsel for the petitioner / plaintiff submits that by the impugned order dated 23.07.2018, the application filed by the petitioner under Order

6 Rule 17 of the C.P.C. for amendment in the plaint has been rejected by the trial Court on untenable grounds whereas the application is based on subsequent events.

2. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

3. On careful perusal, it appears that the suit for declaration of title and permanent injunction was filed on 13.01.2017 and it is the case of the plaintiff

that during the pendency of the suit, his house has been demolished and thereafter, he has filed the application for amendment on 20.09.2017 claiming for mandatory injunction and damages which has been rejected by the impugned order.

4. Since, the amendment application is based on subsequent event and it will avoid multiplicity of proceeding, the trial Court is unjustified in rejecting the application for amendment. As the trial has not yet commenced, the application for amendment is allowed subject to payment of cost of Rs. 2000/- to the respondent No. 5 on the next date of hearing. The defendants would be entitled to make an application for consequential amendment and are also at liberty to move an application for modification of the order, if they are aggrieved.

5. With the aforesaid observation, the writ petition stands finally disposed of.