



2026:CGHC:3523



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 84 of 2026

- Bhawani Prasad, S/o Baswan Gond, Aged About 73 Years, R/o Village Khairi, Tahsil Baloda Bazar, District Balodabazar-Bhatapara (C.G.) (Name Of The Petitioner Wrongly Mentioned As Bhawani Prasad Gond In Case Tittle Of Impugned Order)

... **Petitioner****versus**

- Sonchand, S/o Tihari Satnami, Aged About 67 Years, R/o Village Chhuiha, P.H. No.03, R.N. Circle & Tahsil Balodabazar, District Balodabazar-Bhatapara (C.G.).
- State Of Chhattisgarh Through Collector, Baloda Bazar, Dist- Baloda Bazar-Bhatapara C.G.

... **Respondents**

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Ravindra Sharma, Advocate.
For State/Respondent No.2	:	Mr. Abhishek Singh, P.L.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

21/01/2026

- Heard.
- This writ petition has been filed by the petitioner under Article 227 of the Constitution of India, challenging the order dated 02.12.2025 passed by the learned Additional Judge to the Court of First Civil Judge, Senior Division Balodabazar – Bhatapara (C.G.) in Civil Suit No.49-A/2019, whereby the application filed by the petitioner under Order 6 Rule 17 of CPC is rejected.



3. Learned counsel for the petitioner submits that the respondent No.1 happens to be the plaintiff, who filed the suit for declaration of title, possession, injunction and meane profit in respect of the suit property comprised in piece of Khasra No.18, area 0.080 hectare situated at Village Chhuiha, P.H. No.03, R.N. Circle & Tehsil Balodabazar, District Bhatapara (C.G.). The petitioner, who is the defendant No.1 filed his written statement along with the counter claim. The suit remain pending, an application under Order 6 Rule 17 of CPC for amendment in the written statement and counter claim was filed by the petitioner, which was rejected vide impugned order dated 03.11.2025. Learned counsel for the petitioner submits that though, the trial has commenced, the petitioner was able to show due diligence and still the learned Civil Judge committed an error of law in dismissing the said application. He further submits that by allowing the said application, no prejudice would be caused to the respondent No.1/plaintiff. Further, he placed his reliance upon the judgment rendered by the Hon'ble Supreme Court in case of **Life Insurance Corporation of India Versus Sanjeev Builders Private Limited and Another**, reported in (2022) 16 SCC 1. Thus, the impugned order may be set aside and petition may be admitted and notices may be issued to the respondents.
4. Learned counsel for the State submits that the dispute is between the petitioner/defendant No.1 and respondent No.1/plaintiff.
5. I have heard learned counsel for the parties and perused the documents annexed along with this writ petition.
6. From perusal of the documents appended with the writ petition, it appears that the civil suit for the above stated relief was filed by the respondent No.1. The written statement-cum-counter claim was filed by the petitioner in the year 2022 itself. On a pointed query, learned counsel for the petitioner fairly submits that civil suit is at the stage of final hearing on 20.01.2026, but as per instructions judgment has not been delivered.



7. The written statement filed by the petitioner/defendant No.1 on 27.07.2022.

Perusal of the impugned order indicates that the said amendment does not appears to be necessary and sufficient, as the amendment which has been sought in the application was known to the petitioner since the very beginning. The application was filed belatedly and it is also hit by the proviso to Order 6 Rule 17 of CPC, thus rejected the application. Though, the learned counsel for the petitioner submits that no prejudice would be caused to the respondent, if the said application is allowed. Considering the fact that matter is listed at the stage of final hearing and the said application has been filed after the delay of about 3 years, despite of knowing the fact, which sought to be amended. Naturally petitioner is not able to show that there was my due diligence in filing the said application belatedly and he was unable to file the said application before the commencement of the trial. The findings recorded by the learned Civil Judge appears to be based on proper appreciation of material available and it has given categorical finding that the said amendment may not be necessary or sufficient for adjudication of the civil suit. The amendment application is also hit by the proviso to Order 6 Rule 17 of CPC. In the given facts and circumstances of the case, the judgment relied by the learned counsel for the petitioner does not come to his rescue. Thus, this Court does not find any illegality or jurisdictional error in the impugned error. Accordingly, the instant writ petition is dismissed.

8. Interlocutory application(s), pending if any, also stand dismissed.

Sd/-
(Sachin Singh Rajput)
Judge