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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 253 of 2026

1. L.N. Chandrakar (Dead) Through Lrs. Resham Chandrakar, W/o Late Lom Narayan Chandrakar, Aged About 76 Years, R/o Avanti Vihar Collony, Ward 28, Raipur, District Raipur (C.G.).
2. Swati Chandrakar, D/o Late Lom Narayan Chandrakar, Aged About 57 Years, W/o Devendra Kumar Chandrakar, R/o Ganga Nivas, Avanti Vihar, Ward 28, Raipur, District Raipur (C.G.).
3. Arvind Chandrakar, S/o Late Lom Narayan Chandrakar, Aged About 55 Years, R/o Flat No. E-05/22-23, Harmesh Heritage, Fam-2, Shastri Nagar, Marvada, Pune, (M.H.).
4. Avinash Chandrakar, S/o Late Lom Narayan Chandrakar, Aged About 53 Years, R/o 312, 4th Floor, Village Ombr Lay Out, Bangalore (Karnatak) 360043. (Particulars of Petitioners is Wrongly Mentioned in the impugned Order).

... **Petitioners****versus**

1. Kishanchand Paraste, S/o Babulal Paraste, R/o A-283, Sector-E, Minal Residency, J.K. Road, Bhopal, Through Power Of Attorney Anusuya Paraste.
2. Anusuya Paraste, W/o Kishanchand Paraste, R/o A-283, Sector-E, Minal Residency, J.K. Road, Bhopal (M.P.).
3. Kavita Sahkari Grih Nirman Samiti Maryadit Telibandha, Raipur (C.G.)

... **Respondents**

(Cause title taken from Case Information System)

For Petitioners	:	Mr. Rajkumar Pali, Advocate.
For Respondents	:	None.

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

27/02/2026

1. Heard.



2. This writ petition has been preferred by the petitioners under Article 227 of the Constitution of India, assailing the legality and correctness of the impugned order dated 30.01.2026 (Annexure-P/1) passed by the learned Fourth Civil judge, Junior Division, Raipur, District Raipur (C.G.) in Civil Suit No.2369A/2009, whereby the application filed by the petitioners under Order 6 Rule 17 of CPC was rejected.
3. Learned counsel for the petitioners would submit that petitioners are legal representative of L. N. Chandrakar, who was the original defendant No.2 in the civil suit filed by the respondents No.1 & 2/plaintiffs. The civil suit was filed seeking possession in respect of the suit property, which are Plots No. M.I.G. No.B-199 & M.I.G. No. B-200, total area 4800 sq. ft., situated at Kavita Grih Nirman Sahkari Samiti Maryadit, Telibandha, Raipur (C.G.), comprising in piece of part of the Khasra No.454, P.H. No.113 Telibandha, Raipur (C.G.). Initially, respondents No.1 & 2/plaintiffs filed a civil suit against L.N. Chandrakar, who died during the pendency of civil suit. Hence, the petitioners were substituted as legal representatives and written statement was already filed by the defendant No.2/deceased, L. N. Chandrakar. He submits that an application under Order 6 Rule 17 of CPC for amendment in the written statement was filed by the petitioners in order to elaborate necessary factual scenario. The said application could not be filed at the earlier point of time, as the complete documents were not available with the petitioners. By the order impugned, the said application was rejected by the learned Civil Judge. Learned counsel for the petitioners further submits that the amendment so proposed is necessary for adjudication of the case and petitioners were able to show due diligence of not filing the amendment application prior to commencement of the trial. Thus, he submits that impugned order deserves to be set aside.
4. I have heard learned counsel for the petitioner and perused the entire material appended with this writ petition.



5. Perusal of the record would indicate that initially, respondents No.1 & 2 filed a civil suit against the deceased/defendant No.2 in respect of possession of the suit property. It appears that detailed written statement was also been filed. Issues have been framed and the statement of plaintiffs' witnesses have also been recorded. Perusal of the application filed under Order 6 Rule 17 of CPC also indicate that a detailed amendment is being sought below paragraph 17, which runs into the 10 paragraphs.
6. The civil suit was filed in the year 2009, written statement appears to have been filed by the original defendant No.2/deceased in the year 2010. Issues have also been framed and statement of the four plaintiffs' witnesses have also been recorded. Perusal of the impugned order would indicate that the learned Civil Judge has observed that the suit was filed in the year 2009 and remained pending for almost 17 years. The evidence of the plaintiffs has already been closed on 15.10.2025. The suit is at the stage of defendant's evidence. It has also been observed the Civil Judge that the original defendant No.2 died in the year 2023 and the legal representatives appeared on 04.04.2024. On 11.06.2024, plaint and another documents were supplied to the legal representative of the original deceased/defendant No.2. It has been further observed that on 12.07.2024, the legal representative of original deceased/defendant No.2 accepted the written statement filed by him and expressed their desire not to file any other written statement. The present application under Order 6 Rule 17 of CPC for amendment has been filed after lapse of 1 year 6 months from closing of the evidence of the plaintiffs. Relying upon the proviso of Order 6 Rule 17 of CPC, the application is rejected.
7. Learned counsel for the petitioner tried to persuade this Court that entire documents were not available, thus, there is a due diligence exercised by them for not filing the application after commencing of the trial. As stated above, the amendment so proposed is running into 10 paragraphs and



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impugned order also indicates that the documents have already been supplied to them and the said application has been filed after lapse of 1 year 6 months after closing of the evidence of plaintiffs’.

8. In the opinion of this Court, the impugned order is passed upon proper appreciation of facts and material available on record and it cannot be termed to be perverse. This Court does not find any jurisdictional error, indicating in the impugned order. Thus, the instant writ petition fails, hence deserves to be and is hereby dismissed.
9. Interlocutory application(s), pending if any, also stand disposed of.

Sd/-
(Sachin Singh Rajput)
Judge

Deepti Jha