



CGHC010135272025



2026:CGHC:30094

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WP227 No. 323 of 2025**

1 - Sandeep Sharma S/o Parasram Sharma Aged About 46 Years R/o Near Sai Mandir, Lakhenagar, Raipur, District- Raipur (C.G.) Through Power Of Attorney Holder Namely Upendra Chandrakar, S/o. Pannalal, Aged About 46 Years. R/o. Sudhir Mukharjee Ward, Ashwani Nagar, Raipur, Tehsil And District- Raipur (C.G.)

2 - Santosh Mishra S/o Late Ramsnehi Sharma Aged About 44 Years R/o. Sanjay Nagar, Raipur, Tehsil And District- Raipur (C.G.) Through Power Of Attorney Holder Namely Upendra Chandrakar, S/o. Pannalal, Aged About 46 Years. R/o. Sudhir Mukharjee Ward, Ashwani Nagar, Raipur, Tehsil And District- Raipur (C.G.)

... Petitioner(s)**versus**

1 - Geeta Sharma (Died) (As Per Impugned Cause Title, In Annex.P/2 She Has Not Been Deleted)

2 - Vaibhav Sharma S/o Late Rambhagwan Sharma Aged About 35 Years R/o Kamta Gali, Lily Chowk, Purani Basti, Raipur, District- Raipur (C.G.)

3 - Namrata W/o Rajesh Diwan Aged About 47 Years R/o. In front Of

Bamleshwari Mandir Road, Krishna Nagar, Dangania Raipur, District- Raipur (C.G.)

4 - Versha Sharma (Died) Through Her Legal Heirs. Nil

4.1 - Vinod Sharma S/o Fanendra Sharma R/o. Infront Of Laxmi Stores, Near Masala Udyog, Sundar Nagar, Raipur, District- Raipur (C.G.)

4.2 - Vedant Sharma S/o Vinod Sharma R/o. Infront Of Laxmi Stores, Near Masala Udyog, Sundar Nagar, Raipur, District- Raipur (C.G.)

5 - State Of Chhattisgarh Through Collector, Raipur, District- Raipur (C.G.)

... Respondent(s)

For Petitioner(s)	:	Ms.Shivangi Agrawal, Advocate
For Respondent No. 2,3,4(a) & 4(b)	:	Mr. Shakti Raj Sinha, Advocate
For Respondent No.5/State	:	Mr.Ashutosh Trivedi, PL

(Hon'ble Shri Justice Ravindra Kumar Agrawal)

Order on Board

15/07/2026

The present petition has been preferred under Article 227 of the Constitution of India assailing the legality and propriety of the order dated 19.02.2025 passed by the learned Tenth Civil Judge, Junior Division, Raipur in Civil Suit No. 252-A/2015, whereby the application preferred by the petitioners under Order VI Rule 17 of the Code of Civil Procedure seeking amendment of the plaint has been rejected.

2. Learned counsel for the petitioners submits that the petitioners are the plaintiffs before the trial Court and have filed the suit seeking

declaration of title, permanent injunction and recovery of possession in respect of the suit property situated at Village Jawaibandha, Tahsil Abhanpur, District Raipur. It is contended that the plaint originally described the suit property by referring to 26 Khasra numbers admeasuring 4.440 hectares. Subsequently, upon verification of the revenue records placed on record, it transpired that certain additional Khasra numbers forming part of the same property had inadvertently remained omitted from the schedule of the plaint. Consequently, an application under Order VI Rule 17 CPC was preferred seeking incorporation of the omitted Khasra numbers and the corresponding area in paragraph 6 of the plaint.

3. It is further submitted that the evidence of the plaintiffs has not yet commenced and, therefore, the proposed amendment neither alters the nature and character of the suit nor introduces a new cause of action. The additional land sought to be incorporated forms part of the same property already forming the subject matter of the suit. It is also urged that no prejudice would be caused to the defendants, as they would retain full opportunity to file consequential pleadings and effectively cross-examine the plaintiffs' witnesses. According to the learned counsel, the trial Court rejected the application solely on the ground of delay without appreciating that, having regard to the stage of the proceedings, such delay could have been suitably compensated by imposing appropriate costs. It is, therefore, prayed that the impugned order be set aside and the amendment application be allowed.

4. Per contra, learned counsel appearing for the respondents opposes the submissions made by the counsel for the petitioners and submits that the petitioners have failed to furnish any satisfactory explanation for the inordinate delay of nearly ten years in seeking amendment of the plaint. It is further argued that inclusion of additional Khasra numbers would substantially enlarge the extent of the suit property, thereby necessitating consequential amendment of the written statement and virtually reopening the entire trial. On these grounds, it is submitted that the writ petition deserves to be dismissed.

5. I have heard learned counsel for the parties at length and perused the material available on record.

6. A perusal of the plaint and the amendment application reveals that the plaintiffs had initially included 26 Khasra numbers situated at Village Jawaibandha, Tahsil Abhanpur, District Raipur, admeasuring 4.440 hectares. By way of the proposed amendment, they seek inclusion of eight additional Khasra numbers admeasuring 3.80 hectares, which, according to them, also form part of the same suit property.

7. A comparative reading of the original plaint and the proposed amendment demonstrates that the amendment neither changes the nature and character of the suit nor introduces any new or inconsistent cause of action. The reliefs sought continue to be those of declaration of title, permanent injunction and recovery of possession. The proposed amendment merely seeks correction of the description and extent of the

suit property by incorporating the omitted Khasra numbers.

8. It is also significant to note that the suit is presently at the stage of cross-examination of the plaintiffs' witnesses. Since the defence of the respondents remains substantially unchanged, they would have adequate opportunity to cross-examine the witnesses with reference to the amended pleadings and, if necessary, to file consequential amendments to the written statement. Therefore, no irreparable prejudice is likely to be caused to the respondents by allowing the amendment.

9. In the considered opinion of this Court, the learned trial Court was not justified in rejecting the amendment application solely on the ground of delay, particularly when the proposed amendment is necessary for determining the real controversy between the parties and does not alter the fundamental nature of the suit. The delay, if any, could appropriately have been compensated by awarding costs.

10. Accordingly, the impugned order dated 19.02.2025 passed by the learned trial Court rejecting the application under Order VI Rule 17 CPC is hereby set aside. The application for amendment filed by the petitioners stands allowed. The petitioners are permitted to carry out the necessary amendment in the plaint within the time stipulated by the trial Court. The respondents shall be at liberty to file consequential amendments to the written statement, if so advised.

11. Upon completion of the pleadings, the learned trial Court shall proceed with the suit expeditiously and dispose of the same in

accordance with law.

12. Interim order, if any, shall stand vacated.

SD/-

(Ravindra Kumar Agrawal)
Judge