



CGHC010345382026



2026:CGHC:39593

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WP227 No. 1170 of 2026**

Satish Kumar Agrawal S/o Late Gajanand Agrawal Aged About 56 Years
R/o Near Vardhman Dharamshala, In front of Vardhman Kirana Shop,
Gowlipara, Durg, Tehsil And District- Durg, (C.G.)

... Petitioner**versus**

1 - Smt. Seema Gidodiya W/o Adarsh Gidodiya Aged About 38 Years R/o
Mukund Jewellers, Sarafa Market, Main Raod Dhule, Tehsil And District-
Dhule, (Maharashtra) (Plaintiffs)

2 - Smt. Sheetal Choudhary W/o Ashish Choudhary Aged About 36 Years
R/o Vaman Nagar Khamgaon Tehsil Shegaon District- Akola, (Maharashtra)
(Plaintiffs)

3 - Smt. Kiran Agrawal W/o Narsingh Agrawal Aged About 68 Years R/o
Gowlipara, Durg, Tehsil And District- Durg, (C.G.)

4 - Prahlad Agrawal S/o Late Narsingh Agrawal Aged About 40 Years R/o
Gowlipara, Durg, Tehsil And District- Durg, (C.G.)

5 - Smt. Sahnaz Bano W/o Zabbar Dagli Aged About 48 Years R/o C/50,
Sector A, Devendra Nagar, Raipur, Tehsil And District- Raipur, (C.G.)

6 - Mohammed Saleem Bhai Nirvaan S/o Mohammed Ramzan Nirvaan
Aged About 49 Years R/o Ganjpara, Durg, Tehsil And District Durg, (C.G.)

7 - Sudarshan Kumar Gupta S/o Vishwanath Prasad Gupta Aged About 47
Years R/o Somni, Tehsil And District , Rajnandgaon, (C.G.)



8 - Mohammed Mahtab Malik S/o Mohammed Shami Ahmed Aged About 38 Years R/o Village Tedesara, Tehsil And District, Rajnandgaon, (C.G.)

9 - Smt. Rabia Kaushar W/o Mohammed Saleem Nirvan Aged About 44 Years R/o Ganjpara, Durg, Tehsil And District Durg, (C.G.)

10 - Smt. Anju Gupta W/o Sudarshan Kumar Gupta Aged About 43 Years R/o Somni, Tehsil And District, Rajnandgaon, (C.G.)

11 - State Of Chhattisgarh Through Collector, District, Rajnandgaon, (C.G.)

Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. T.K. Tiwari, Advocate
For Respondent No.11/State	:	Mr. Malay Kumar Jain, Panel Lawyer

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

09/09/2026

Heard.

1. The present petition under Article 227 of the Constitution of India has been preferred by the petitioner calling in question the legality, propriety and correctness of the order dated 20.08.2026, passed by the learned District Judge (Fast Track Court), District Rajnandgaon, in Civil Suit No. 1-A of 2020, whereby the application filed by the petitioner under Order 17 Rule 1 of CPC has been rejected and right to consequential amendment in the written statement of defendant No.1 has been forfeited.
2. Learned counsel for the petitioner would submit that, the petitioner is the defendant No.1 before the learned trial Court, where the present



respondents No. 1 and 2 are prosecuting a civil suit for declaration of of title over their 1/4th share suit property declaring the sale-deed dated 01.07.2010 executed by defendant No.1 in favour of defendant No.4, the sale-deed dated 26.11.2018 executed by the defendant No.4 in favour of the defendants No. 5 to 7, and the sale-deed dated 12.10.2010 executed by the defendant No.4 in favour of defendant No.8 and 9 be declared as null and void. During pendency of the suit, on 01.05.2026, the plaintiffs filed their application under Order 6 Rule 17 read with Section 151 of CPC for amendment in the plaint, which was allowed on 19.06.2026, thereafter the opportunity for consequential amendment in the written statement was granted in favour of the defendant No.1. On 02.07.2026, 04.07.2026, 08.07.2026 and 15.07.2026. On 15.07.2026, an application under Section 151 of CPC was filed by the defendant No.1 for supply of amended copy of the plaint, so that he may effectively amend his written statement, however the said application was rejected on 07.08.2026 and the next date was fixed for 20.08.2026. Due to the engagement of the counsel in a proceeding before this Court, he could not appear before the learned trial Court and then the defendant No.1 filed an application under Order 17 Rule 1 of CPC for adjournment of the proceeding for any other day, but the same has been rejected by the learned trial Court and right to consequential amendment of the written statement of defendant No.1 has been forfeited. He would further submit that forfeiting the right to consequential amendment in written statement would prejudice the defence of the defendant No.1 and for absence of his counsel or any other technical ground, the right of consequential amendment cannot



be taken away and instead of forfeiting the right to consequential amendment in the written statement of the defendant No.1, the learned trial Court may adjourned the proceeding for any other day by imposing appropriate cost. He would further submit that the plaintiffs' evidence has not been started yet.

3. The defendant No.1 has duly and vigilantly contested the claim of the plaintiffs and willing to make consequential amendment in his written statement, therefore, he may be permitted to make consequential amendment in his written statement by granting one opportunity for the same.
4. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.
5. It is not in dispute that the application preferred by the plaintiffs under Order 6 Rule 17 read with Section 151 of the CPC for amendment of the plaint was allowed by the learned trial Court on 19.06.2026 and, thereafter, opportunity for making consequential amendment in the written statement was granted to defendant No.1. It is also apparent from the record that the petitioner had been pursuing the matter and had moved an application seeking supply of the amended copy of the plaint, which came to be rejected on 07.08.2026. The plaintiffs' evidence has also not commenced till date as has been submitted by learned counsel for the petitioner.
6. The Hon'ble Supreme Court in ***Gurdial Singh and others v. Raj Kumar Aneja and others***, (2002) 2 SCC 445 has held that when one of the parties has been permitted to amend its pleading, an opportunity has to be given to the opposite party to amend its



pleading as well, and such amendment is ordinarily known as a consequential amendment.

7. In the present case, the petitioner is seeking the consequential amendment in the written statement in view of the amendment already permitted in the plaint. The record further indicates that the trial has not yet commenced in the sense that the evidence of the plaintiffs has not been recorded. Denial of such opportunity at this stage, particularly when the petitioner had already been granted an opportunity to make consequential amendment, may result in prejudice to the petitioner and may also affect effective adjudication of the real controversy between the parties. The inconvenience, if any, caused to the plaintiffs can adequately be compensated by costs and by imposing an appropriate time-limit.
8. Having regard to the aforesaid facts and circumstances and the settled principles governing consequential amendment of pleadings, this Court is of the considered view that the learned trial Court was not justified in forfeiting the petitioner's right to make consequential amendment in the written statement on the ground of absence of his counsel on the date fixed. In the interest of substantial justice, one final opportunity deserves to be granted to the petitioner, subject to appropriate terms.
9. The learned trial Court is directed to grant one opportunity to the defendant No.1 to file his application for carrying out the consequential amendment in his written statement in accordance with law. The learned trial Court shall thereafter grant reasonable opportunity to the plaintiffs to file their response, if any, to such



consequential amendment and shall proceed with the suit in accordance with law.

10. It is made clear that the petitioner shall not be entitled, under the guise of consequential amendment, to introduce any new or independent plea beyond the scope of the amendment already permitted in the plaint. The petitioner shall also pay costs of Rs. 2,000/- to the plaintiffs, which shall be deposited before the learned trial Court on or before the date of filing the application for consequential amendment.
11. With the aforesaid directions, the petition is **allowed**. The impugned order dated 20.08.2026 passed by the learned trial Court, in Civil Suit No. 1-A of 2020, to the extent whereby the right of defendant No.1/petitioner to make consequential amendment in the written statement has been forfeited, is hereby **set aside**.
12. Needless to say that the parties shall cooperate in expeditious trial of the suit and shall not take any unnecessary adjournment.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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