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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 288 of 2026

1 - Lakhan Lal Dhritewsh S/o Late Jhalar Das Aged About 51 Years R/o Village And Post Lalpur, Kota Tehsil Kota District- Bilaspur (C.G.)

... Petitioner(s)

versus

1 - Komal Das Dhritewsh S/o Late Jhalar Das Aged About 64 Years R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

2 - Seema Ghritesh R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

3 - Aditya Ghritesh To Mother Seema Ghritesh Through Komal Das Dhritewsh S/o Late Jhalar Das R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

4 - Pranjal Ghritesh To Rewaram Through Komal Das Dhritewsh S/o Late Jhalar Das R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

5 - Anita Ghritesh Through Komal Das Dhritewsh S/o Late Jhalar Das R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

6 - Akriti Ghritesh Anita Ghritesh Through Komal Das Dhritewsh S/o Late Jhalar Das R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

7 - Mayank Ghritesh Mother Anita Ghritesh Through Komal Das Dhritewsh S/o Late Jhalar Das R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

8 - Laxmin Ghritesh Through Komal Das Dhritewsh S/o Late Jhalar Das R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

9 - Urmila Ghritesh Through Komal Das Dhritewsh S/o Late Jhalar Das R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

10 - Satrugan Lal Ghritesh Through Komal Das Dhritewsh S/o Late Jhalar Das R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

11 - Rewaram Ghritesh Through Komal Das Dhritewsh S/o Late Jhalar Das R/o Omnagar, Jharabhanta, Bilaspur Tehsil And District- Bilaspur (C.G.)

12 - Praveen Singh Thakur Village And Post Ward No. 12, Rajapara, Kargi Khurd Kota, Tehsil Kota, And District- Bilaspur (C.G.)

13 - T.K. Vishwash Purani Basti Wad No. 8 Kargi Road Kota, Tehsil Kota, And District- Bilaspur (C.G.)

14 - Keshav Prasad Gupta Kargi Road Koyta , Near Old Post Office Ward No. 9, Tehsil Kota And District- Bilaspur (C.G.)

15 - State Of Chhattisgarh Through Collector, District- Bilaspur (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Shri Praveen Kumar Sharma, Advocate.
For Respondent No.1	:	Shri Manish Kumar Saluja, Advocate.
For State	:	Shri Vikhyat Arora, Panel Lawyer.
For other respondents	:	None, though served.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

04.05.2026

1. The present writ petition under Article 227 of the Constitution of India has been filed by the petitioner against the impugned order dated 13.01.2026 passed by 4th Civil Judge (Senior Division) Bilaspur in Civil Suit No.A/3572022 whereby the application filed by the petitioner under Order 6 Rule 17 CPC for amendment in his written statement has been rejected.
2. Learned counsel for the petitioner would submit that the petitioner is the defendant No.1 before the trial court. The plaintiff filed a suit for declaration, permanent injunction, partition and separate possession of the suit property. The suit was filed by the plaintiff on 03.11.2022. During pendency of suit, on 20.07.2023, the plaintiff filed a document dated 02.05.2022 saying that it is a memorandum of family settlement executed between the parties which was being taken on record by the trial court. However, when copy of the same was received by the defendant No.1 on 08.08.2025, he realized that there is no signature of defendant No.1 over the said deed therefore he filed his application for amendment in the written statement filed by him stating therein that the said deed does not bear his signature and it is a forged signature. He would further submit that the trial court has ignored the pleadings of the written statement in which he also denied execution of any settlement

deed between the parties or family members and it is only when the defendant No.1 seen the document, he realized the said fact. The trial court has rejected his application only on the ground that the application has been filed at a belated stage as the said document was filed on 20.07.2023 whereas the amendment application has been filed by the defendant No.1 on 22.08.2025. He would further submit that there is no change of nature of defence or it does not have any substantial bearing in the suit of the plaintiff and burden of proof on the facts remain as it is upon the parties. Therefore, the application may be allowed and the impugned order may be set aside.

3. On the other hand, learned counsel for the respondent No.1 supported the impugned order and would submit that from the order sheet dated 20.07.2023 i.e. the date on which the application has been filed, it clearly transpires that the copy of the application was supplied on the same day to defendant No.1, yet he is creating a ground that copy of application has been supplied to him on 08.08.2025. Therefore, his claim is not bonafide and such a belated amendment cannot be permitted and the writ petition is liable to be dismissed.
4. I have heard the counsel for the parties and perused the documents annexed with the petition.
5. From perusal of the copy of plaint filed by the plaintiff as well as written statement filed by the defendant No.1 it transpires that the plaintiff's suit for declaration of title, partition and separate possession has been contested by the defendant No.1 by saying that there was no family settlement between the family members and in para 5&6 of both, the plaint as well as written statement, there is relevant pleadings of

respective parties. The issue arose in the present case only when the plaintiff filed the document on 20.07.2023 i.e. the copy of memorandum of family settlement dated 02.05.2022. Though the respondent No.1 is claimed that copy of said deed has already been supplied to defendant No.1 on the same day i.e. on 20.07.2023, but the petitioner/defendant No.1 claimed that the copy of said document has been supplied to him on 08.08.2025, and therefore, he could not file his amendment application on the earlier occasion. From perusal of amendment application it further transpires that the defendant No.1. sought amendment in his written statement in paragraph 3-A by denying his signature over the said memorandum of settlement deed dated 02.05.2022.

6. Be that as it may, without going into controversy between the parties as to when the copy of said document was supplied to the petitioner/defendant No.1, after considering the pleadings of the parties in the plaint as well as written statement, this court is of the considered opinion that the proposed amendment in the written statement filed by the defendant No.1 may be permitted to carry out as the same does not change either nature of the suit or the defence of defendant No.1. It is only a denial of signature over the said deed dated 02.05.2022. The substantial burden to prove their respective cases are still upon the parties concerned.
7. Though there is some delay in filing amendment application, but as stated by the parties that plaintiff's evidence is not yet closed, this court is of the considered opinion that trial court should have permitted

the defendant No.1 to amend the pleading of written statement as sought vide application dated 22.08.2025.

8. Consequently, the petition is allowed. The impugned order dated 13.01.2026 is set aside and the application dated 22.08.2025 filed under Order 6 Rule17 CPC is allowed. The defendant No.1 is permitted to carry out necessary amendment in the written statement.
9. With the aforesaid observations, the writ petition is allowed and disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder