

14 CS DJ 947/24

MOHAMMAD NASIR AND ORS Vs. ABDUL AZIZ SHAH AND ORS

18.12.2025

Present: Sh. Durgesh Gupta, Ld. Counsel for plaintiff.
Sh. Jai Narayan, Ld. Counsel for the defendant No 3.
*Defence of defendant No.1 struck off vide order dated 06.05.2025
who has been proceeded ex parte vide order dated 01.07.2025.*
Sh. S. Bharti, Ld. Counsel for defendant No. 2.

The matter is listed for arguments on application under Section 151 CPC as well as upon the application filed under Order VI Rule 17 CPC.

Ld. counsel for the plaintiff vide this application under Section 151 CPC has contended that the defendant No.2 be directed to furnish his residential address. Without prejudice to the rights and contentions of the parties, **defendant No.2 is directed to place on record his residential address within 02 days from today. The application is accordingly disposed off.**

This is an application filed under the provisions of Order VI Rule 17 CPC, whereby, it has been contended by the plaintiff that amendments are required in the part No. 7 of the plaint, where inadvertently, a wrong date i.e. '01.05.2024' has been mentioned instead '01.05.2022'. Ld. Counsel for plaintiff has drawn the attention of the Court to the affidavit undertaking as issued by defendant No.1, whereby, the said date i.e. 01.05.2022 has been mentioned. It is thus, contended that the plaintiff be permitted to rectify the said typographical error in para No. 7 of the plaint. It is further submitted that the plaintiff that also in para No. 18, 24 & 27 instead of 'defendant No.2 and 3' the word '**brother/defendant No.2**' is required to be corrected. It is further submitted that since defendant No. 3 is not the brother of the plaintiffs, hence, there has been inadvertent error in the plaint.

Keeping in view the fact, that trial is yet to commenced and it appears that there has been typographical errors in the original plaint, the present **application under the provisions of Order VI Rule 17 CPC is allowed** and the Amended Plaint is taken on record. *The defendant Nos. 2 and 3 are at liberty to file their amended written statement to the amended plaint taken on record today within 30 days today with advance copy to the counsel for the plaintiff, who is at liberty to file replication within 02 weeks thereafter.*

Ld. Counsel for defendant No. 2 and 3 has filed an application under the provisions of Section 151 CPC claiming monthly rent / user charges @ Rs. 5000/- per month. Copy supplied. *Let a reply to the same be filed by Counsel for the plaintiff with advance copy to the other side.*

The parties are directed to file their respective affidavits by admission and denial of documents with advance copy to each other.

List the matter for framing of issues and arguments on the application filed today under Section 151 CPC on **19.03.2026**.

(Sachin Sood)
DJ-01 (Central)
THC, Delhi/18.12.2025