

20.04.2026

Present : Ms. Tanu Singhal, Sh. Sachin and Sh. Raghav Aggarwal,
Ld. Counsel for plaintiff.

An application is filed u/o VI Rule 17 CPC for amendment in the plaint. Another application filed u/o XI Rule 1 r/w Sec.151 CPC along-with list of documents with the documents.

Ld. Counsel for the plaintiff submitted that the appropriate certificate as per format prescribed u/s 63 of the Bharatiya Sakshya Adhiniyam, 2023 has been filed and that inadvertently in the instead of affidavit u/sec.65B I.E. Act, 1872, has been mentioned. Certificate is taken on record.

Heard on the application u/o XI Rule 1 CPC.

The **application u/o XI Rule 1 r/w Sec.151 CPC is allowed** on the basis of the grounds taken therein considering that notice is yet to be issued, and the documents filed along therewith are taken on record.

Heard on the application u/o VI Rule 17 CPC.

Ld. Counsel for the plaintiff submitted that certain material facts are required to be added for the purposes of clarifying the continuing cause of action and to meet the bar of limitation and to render the complete chain of events demonstrating a subsisting cause of action and admission of liability on the part of the defendant which were inadvertently left out earlier. That the defendant in fact issued two cheques dated 22.9.2025 and 23.9.2025 in discharge of its outstanding

liabilities, as reflected in the ledger, which cheques were dishonoured upon presentation, and the plaintiff has already initiated appropriate proceedings u/sec. 138 N.I. Act, in this regard. That as a consequence, para 16 is sought to be amended that pertains to the cause of action and limitation in order to incorporate such relevant and material facts pertaining to subsistence of cause of action from the date of filing of the suit.

It emerges that in the application, plaintiff has sought leave simpliciter to amend para 16 pertaining to the cause of action, however, without any leave sought from the Court, in the amended plaint filed therewith, plaintiff has proceeded on its own to make changes in para 7, para 11 of the plaint, besides Para 14 has also been modified. The amended plaint is no where in consonance with the leave sought in the application. The the application u/o VI Rule 17 CPC therefore deserves to be dismissed with costs for such concealment and misdirection subject to cost of Rs.1000/- to be deposited with DLSA, Central, Tis Hazari. **The application is accordingly dismissed with cost** of Rs.1000/- to be deposited with DLSA, Central, Tis Hazari.

For further consideration, put up on **4.5.2026**.

(Neelofer Abida Perveen)
District Judge (Commercial Court)-01
Central District/THC/Delhi/20.04.2026