

Case No. 1008/16

26.09.2017

Present: Counsel for plaintiff.

Counsel for defendant No. 1, 2 and 3.

Counsel for defendant No. 5.

Defendant No. 4 is ex-parte vide order dated 03.06.2013.

An application under order 6 rule 17 & Section 151 CPC is filed.

Copy given to counsel for defendant No. 1, 2 and 3 and also to counsel for defendant No. 5.

Heard and perused.

It is informed by counsel for plaintiff that this is a suit for plaintiff for recovery of Rs. 4 Lacs in respect of encashment of a cheque of the account of defendant No. 1 by defendant No. 4 in his account with defendant No. 5 which cheque was in fact stopped for payment by defendant No. 1 but due to technical failure the said cheque was cleared and encashed in the account of defendant No. 4 with defendant No. 5.

It is submitted that by virtue of the present application under order 6 rule 17 CPC, the plaintiff is seeking relief against the defendant No. 4 also, though initially no relief was claimed against the defendant No. 4. The other amendment sought are incidental to the said relief of recovery jointly and severally for defendant No. 4 also.

Let amended plaint be also filed and notice of this application along with amended plaint be issued to defendant No. 4 also for filing of reply to the application. Copy of the amended plaint be supplied to other defendants also through counsel.

To come up for reply/ arguments on this application and also an application under section 151 CPC moved on behalf of the plaintiff for substitution of AR of the plaintiff bank, for 16.01.2018.

(VIPIN KUMAR RAI)

Additional District Judge-03

East District/KKD Courts/Delhi

26.09.2017

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