

19 CS 519/23 MD. ASIF Vs. GEETA

27.03.2026

Present: Mr. Mohd. Farhan, Ld. Proxy for the plaintiff.
Mr. Rahul Kumar Sharma, Ld. Proxy Counsel for the defendant-1 along with defendant-1.
Mr. Balwant Singh- SPA of the defendant-2.
Mr. Anil Kumar Tomar, Ld. Counsel for the defendant-4.
None for other defendant.

1. It is noted that except defendant-4, no other defendants have filed reply to the application of the plaintiff under Order VI Rule 17 CPC, in spite of sufficient opportunity. Hence, I find no ground to adjourn the matter further for filing reply by the other defendants to the aforesaid application. Accordingly, their right to file the reply to the aforesaid application is closed.

2. Arguments on the application of plaintiff under order VI Rule 17 CPC heard. Case file perused.

3. Record reveals that initially, the plaintiff filed this suit for permanent/mandatory injunction and recovery of possession, against the defendant(s) (1) Geeta, (2) Harnam Singh and (3) MCD, Shahdara, South, Delhi. It is pertinent to note that on 11.03.2024, plaintiff filed an application under Order 1 Rule 10 r/w Section 151 CPC for impleadment of Ms. Umme Sumaiya as defendant, to whom defendant- 2 had sold the property on 04.04.2022 and she is in possession of the suit property. The the aforesaid application was allowed on the very same day and Ms. Umme Sumaiya was impleaded as defendant-4 in the array of the parties.

4. Consequently, upon service of summons of the suit upon defendant-4, she put appearance through her Ld. Counsel Mr. Anil Tomar on 07.08.2024 and filed her written statement on 03.09.2024. It is pertinent to note that on 25.02.2025, plaintiff filed an application under Order VI rule 17 r/w Section 151 CPC for amendment in paragraph no. 19

of the plaint qua valuation and court fees, which was stated to be left incomplete due to cut and paste. The said application was disposed of as allowed vide order of the same date.

5. It is pertinent that plaintiff has not pleaded any fact qua defendant-4 in his earlier application under Order VI Rule 17 CPC which he filed after impleadment of defendant-4. So, plaintiff filed the present application in terms of order 1 Rule 10 (4) CPC wherein he pleaded the facts qua defendant-4 and also made amendment in the prayer, which is relevant for the just and fair disposal of the case.

6. Ld. Counsel for the defendant-4 stated that the aforesaid application be disposed of as allowed subject to heavy cost as in earlier amendment application he has not made any pleading qua defendant-4 and thereby caused delay in disposal of the suit.

7. Considering the facts and in view of submissions made on behalf of defendant-4, the plaintiff's aforesaid application is disposed of as allowed subject to payment of cost of Rs. 10,000/- to be paid by the plaintiff to the defendant-4. Amended plaint filed along with application is taken on record. Application disposed of as such.

8. Defendants are at liberty to file their respective written statements to the amended plaint, if so required, with its advance copy to plaintiff/Ld. Counsel for the plaintiff, who shall be at liberty to file the replication, if so required, with its advance copy to the other side.

9. List this matter for payment of cost, completion of pleadings, filing of affidavit qua admission denial of documents and framing of issues on 04.05.2026

(Ravinder Singh - I)
District Judge-03/East District,
KKD Courts, Delhi/27.03.2026/j