

CS 65/23

VIPIN GUPTA Vs. DEPENDER RAWAT

08.07.2024

Pr.: Plaintiff in person with Sh. S.K. Tiwari, Ld. Counsel.  
Sh. Ankit Gupta Ld. Counsel for defendant.

On 02.04.2024, cost of Rs.2000/- was imposed upon the plaintiff as no amendment application was filed by the plaintiff, despite opportunities.

As previous cost was not paid by the plaintiff to the defendant till 3.15 p.m. on last date of hearing i.e. 22.04.2024, hence additional cost of Rs.1000/- was imposed upon the plaintiff to be paid to defendant.

Today, it has been submitted by both the parties that cost was paid on the last date of hearing. However, they have not apprised about the same to the Court on that day.

Considering the same, plaintiff is directed to deposit the above said cost of Rs.1000/- in DLSA, East and file receipt in the Court.

Arguments heard on the application under Order 1 Rule 10 CPC and VI Rule 17 CPC.

Reply to the application under Order VI Rule 17 CPC filed.

It is submitted by Ld. Counsel for plaintiff that present case has been filed for recovery of loan amount of Rs.7,00,000/- which was borrowed by Sh. Bal Mukund Rawat, who has expired on 21.12.2022. It is submitted that plaintiff has filed present case against defendant Depender Rawat, but when written statement was filed by defendant, only then plaintiff came to know that there are other legal heirs of Late Sh. Bal

Mukund Rawat. Plaintiff filed application under Section 12 Rule 8 CPC and in reply thereto, defendant has submitted that Smt. Neeru Chauhan and Smt. Sarika Goswami are also the legal heirs of Late Sh. Bal Mukund Rawat. It is submitted that present case is at initial stage and issues are yet to be framed. It is submitted that plaintiff would suffer irreparable loss if defendant no. 2 & 3 are not impleaded as party in the present case. He has prayed for allowing the present application and impleading them as party.

Ld. Counsel for defendant has admitted that Smt. Neeru Chauhan and Smt. Sarika Goswami are the daughters of Late Sh. Bal Mukund Rawat and he has no objection if the present application under Order 1 Rule 10 CPC is allowed.

Considering the submissions made by the Ld. Counsel for the parties, **the present application under Order 1 Rule 10 CPC is allowed** because Smt. Neeru Chauhan and Smt. Sarika Goswami are necessary party being LRs of deceased Bal Mukund Rawat. Accordingly, the **application for amendment under Order VI Rule 17 CPC is also allowed. Amended plaint is taken on record.** Copy of amended plaint be supplied to opposite party.

Ld. Counsel for plaintiff is directed to file amended memo of parties.

Issue notice of the amended plaint to defendant no. 2 & 3 i.e. newly impleaded defendants on filing of PF, RC and through all permissible modes for **09.08.2024**.

(Shail Jain)  
Principal District & Sessions Judge,  
East District, KKD Courts, Delhi.  
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At this stage, receipt regarding deposit of cost of Rs.1000/- is filed by the plaintiff. Same is taken on record.

Put up for purpose fixed on date fixed i.e. 09.08.2024.

(Shail Jain)  
Principal District & Sessions Judge,  
East District, KKD Courts, Delhi.  
08.07.2024 (pm)