

CS No. 696/16

21.05.2018

Present: Plaintiff in person with Ld. Counsel Sh. HK Chaturvedi and Sagar Chaturvedi.
Defendant no.2,3, 4 and 6 with Sh. Lalit Yadav, proxy for Ld. Counsel for the said defendants
Sh. Amar Chauhan, Ld. Counsel for defendant no.1 and 2.

An application under Order 6 Rule 17 CPC has been filed by the plaintiff. Copy already supplied.

The plaintiff wants to amend the prayer clause of the suit by adding the words "severely and jointly". No reply intended to be filed.

The plaintiff has filed the present suit seeking recovery of her stridhan. It is submitted that inadvertently, in the prayer clause, it could not be mentioned that the decree be passed against all the defendants severely and jointly and that term is now intended to be incorporated by way of present amendment.

In my opinion, it is only a formal amendment and would not change the nature of the suit in any manner. The application is accordingly allowed and disposed of. Amended plaint filed. Copy supplied. Defendants are at liberty to file WS to the amended plaint after supplying its advance copy to the Ld. Counsel for plaintiff, who shall also be at liberty to file replication to it after supplying its advance copy to Ld. Counsel for defendants.

An application for waiver of previous cost has been moved on behalf of the plaintiff for waiving the cost imposed on 17.02.2018 on the ground that the plaintiff could not get any money in the execution filed by her separately against the defendant and therefore, could not pay to her earlier counsel, as a result of which he could not appear and thereafter she applied for certified copy of entire file for the purposes of engaging a new counsel

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which took time. In my opinion these are no grounds for waiving of the cost, hence, the application is dismissed and disposed of. However, the cost is reduced to Rs. 3,000/-, as requested.

To come up for the said purpose and for payment of cost and for PE on 06.08.2018.

(Sanjay Sharma-I)
Addl. District Judge-02(East)
Karkardooma Courts- 21.05.2018