

22.12.2023

Pr: Sh. Mukesh Sharma, Id. Counsel for plaintiff with plaintiff.

Sh. Mukesh Hooda, Id. Counsel for both defendants with both defendants.

Reply on behalf of defendants to the application under Order VI Rule 17 filed, copy supplied.

Heard on application under Order VI Rule 17 CPC.

It is submitted by Id. Counsel for plaintiff submits that plaintiff has filed the suit for specific performance of contract, recovery of possession, damages/mesne profit as well as permanent injunction against the defendants, and that plaintiff was required to seek a relief of recovery in alternative but due to oversight and bonafide mistake, he could not pray for such relief and such omission came in his notice and knowledge on or about 22.08.2023.

Having heard the submissions and perused the record of this case, in any case, I see no reason as to why this amendment cannot be allowed. This court is of the view that the application under Order VI Rule 17 of CPC filed by the plaintiff ought to be allowed. The amendments do not change nature of the suit. This court is of the view that the amendments are necessary to determine the real questions in controversy between the parties.

In view of the same, aforesaid application under Order VI Rule 17 read with section 151 CPC is allowed. Put up for filing of WS to the amended plaint, if any, with advance copy of same to the other side on 06.02.2024.

(Pooja Jain)
ADJ-03(East)
KKD Courts-22.12.2023