

12.08.2025

Present: Ms. Riya Goyal, Ld. Counsel for plaintiff.
Defendants no. 1 to 4 are already ex-parte.
Mr. Gaurav Dalal and Mr. Dhruv Sharma, Ld. Counsels
for defendant no.5.
Mr. Mohit Sharma, Ld. Counsel for defendant no. 6
through VC.

Ld. Counsel for plaintiff submits that copy of applications of the plaintiff were supplied to defendants no. 5, 6 and 7/their Counsels.

Ld. Counsel for defendant no. 5 submits that application of the plaintiff under Order 6 Rule 17 of CPC may be allowed subject to payment of cost.

Ld. Counsel for the plaintiff submits that the amendments are required because defendants no. 4 to 7 were later added in the array of parties. She submits that defendants no. 1 to 3 were illegal occupants in the property of the plaintiff and during pendency of the case, the plaintiff learnt that defendants no. 4 and 5, in collusion with defendants no. 1 to 3 prepared forged and fabricated title documents of the property in favour of defendant no.5.

She submits that these facts need to be incorporated in the plaint and therefore, amendment is sought to be carried out.

She submits that she is not pressing the prayer for amendment of application under Order 39 Rules 1 & 2 of CPC and

that she will file a fresh application under Order 39 Rules 1 & 2 of CPC. She also submits that she will file another application to bring on record additional documents.

Arguments are heard and record is perused.

Order 1 Rule 10 (4) of CPC provides that where a defendant is added, the plaint shall be amended in such manner as may be necessary.

In view of this provision, it is the right of the plaintiff to amend the plaint after his application under Order 1 Rule 10 of CPC has been allowed. The amendments sought to be carried out are necessitated due to the addition of defendants no. 4 to 7.

For these reasons, the application of the plaintiff under Order 6 Rule 17 of CPC is allowed.

Amended plaint filed alongwith the application is taken on record.

Ld. Counsel for the defendant no. 5 submits that since the documents filed alongwith the application under Order 6 Rule 17 of CPC have not been taken on record, the time period available for filing of written statement shall not commence as yet.

In view of the submissions of the Ld. Counsel for the plaintiff that more applications are to be filed, matter is adjourned to 24.09.2025.

(Shirish Aggarwal)
District Judge-03
East District, KKD Courts,
Delhi, 12.08.2025