

CS. No. 795/17
SMT. NIDHI SHARMA VS G.K.SHARMA ETC.

20.08.2019

Present: Sh. Himanshu, Ld. Counsel with plaintiff.
Sh. Naresh Kumar, Ld. Counsel with defendant No.1.
None for the defendant No.2, who is already exparte.
Spare copy of the proposed amended plaint is given to Sh.
Kumar.

Heard arguments on the application for amendment to the plaint. It is submitted by the ld. counsel for the plaintiff that amendment has been necessitated, in view of the averments made in the written statement under paragraph 2.2, wherein defendant No.1 claims to have become owner of the property in question on the basis of usual documents for sale executed by Sh. Hemant Bhardwaj, who was co-owner alongwith his wife Ms. Mansi Dhoundiyal. On the other hand Sh. Naresh Kumar opposes the proposed amendment on the ground that it is altering the very nature of the suit.

I have carefully considered the submissions made by the Ld. Counsel for the parties and it appears that written statement in the matter was filed by the defendant No.1 on 03.05.2018, whereas, the present application has been moved only on 23.01.2019. Ld. counsel for the plaintiff accepts that there is delay. Since the suit is at the initial stages and the amendment, sought, is consequential to the defence taken by the defendant No.1 in the matter, therefore, same is necessary to adjudicate the matter in controversy between the contesting parties, hence application is allowed subject to cost of Rs.1000/- to be deposited with DLSA within fifteen days. Amended plaint is taken on record subject to deposit of cost. To come up on 18.09.2019 for receipt of deposit also written statement with copy to Sh. Himanshu, in advance and against receipt.

(Sanatan Prasad)
Additional District Judge-01
(East)/KKD/Delhi/20.08.2019