

08.12.2023

Pr: Sh. N.K. Bhamri and Sh. Karan Bhamri, Id. Counsels for the plaintiff.

None for the defendant.

Ld. Counsel for plaintiff an application under Order VI Rule 17 CPC for amendment of the plaint.

Arguments on above application heard.

It is submitted by Id. Counsel for plaintiff that plaintiffs were totally unaware about the particulars of the transfer of the suit property by defendant no.1 to one Mr. Deepak Kumar Bansal, who has subsequently demolished the suit property, and illegally constructed a five storey building on the land of the suit property and that by way of this application plaintiff want to make amendment by addition of further pleas by adding paras No. 16(a) to 16(h); further consequent upon the amendment of plaint, plaintiff wish to make changes in the suit such as : “ in the heading of plaint, Declaration and cancellation of conveyance deed, Registered Sale deed, SPA, GPA, Agreement to sell, WILL, Receipt, affidavit etc., is to be added.

It is also submitted that in para 17 relating to the cause of action, addition is to be added; as the cause of action further arose when other persons namely Mr. Manoj, Mr. Deepak, Mr. Mukesh,, who have bought a floor each of the suit property from defendant No.1 in collusion with Mr. Deepak Kumar Bansal and the cause action is still continuing and that consequently present clause 'd','e' and 'f' will be read with section 151 of CPC as clause 'g','h' and 'I'.

Ld. Counsel for plaintiff further submits that present application for amendment of the suit be allowed in the interest of justice.

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 CPC filed by the plaintiff ought to be allowed as the suit is at initial stage and that Trial has not yet commenced. Issues are not yet framed. The amendments do not change nature of the suit. This court is of the view that the proposed amendments are necessary to determine the real questions in controversy between the parties. Hence, application filed by the plaintiff under Order VI Rule 17 CPC is hereby stands allowed. Accordingly, application under Order VI Rule 17 CPC is disposed off.

Amended plaint with amended memo of parties filed, same are taken on record. Issue notice of the amended suit to the defendants on filing of PF/RC/Speed Post/Authorized Courier, returnable by NDOH.

Put up on 09.01.2024.

(Pooja Jain)  
ADJ-03(East)  
KKD Courts-08.12.2023