

CS No.917/17
Mohindra Kumar vs Anand Kumar

08.08.2017

Present: Sh Manish Gandhi, Ld counsel for plaintiff.

An application u/o 6 Rule 17 CPC along with amended plaint is filed on behalf of plaintiff.

It is submitted that due to inadvertence and bonafide error plaintiff has mentioned the relief of cancellation of the conveyance deed dated 11.8.2011, sale deeds dated 10.1.2012 and also sale deeds dated 20.2.2016 instead of the relief of declaration. It is further submitted that plaintiff has not executed the said these documents therefore he is seeking relief of declaration of these documents being declared as null and void. It is prayed that plaintiff was allowed to substitute the word ' cancellation of conveyance deed dated 11.8.2011, sale deeds dated 10.1.2012 and also sale deeds dated 20.2.2016' with ' declaration thereby declaring the conveyance deed dated 11.8.2011, sale deeds dated 10.1.2012 and sale deeds dated 20.2.2016 as illegal as null-void and non-est at all the relevant places in the plaint. It is further prayed in the application plaintiff be allowed to expunge the word ' Hence, the present counter claim' by replacing the same ' Hence, the present suit'. It is further submitted that proposed amendments are just and necessary for the effective adjudication of the controversy between the parties.

Heard. File perused.

It is a suit for declaration and cancellation of the documents and also for mandatory & perpetual injunctions filed by the plaintiff against the defendant. Para 17 of the plaint reflects that the plaintiff is seeking declaration of the sale deeds (Sets 'A' & 'B') are illegal, non-est, null and void.

The matter is at the initial stage and through proposed amendments, plaintiff wants to amend the plaint to extend that inspite of seeking cancellation of conveyance deeds dated 11.8.2011, sale deeds dated 10.1.2012 and also sale deeds dated 20.2.2016, he is seeking the declaration of these documents as being null and void.

Admittedly, plaintiff is not executant of these documents and therefore, he is seeking declaration of these documents being null and void. Through the amendments, plaintiff is not seeking changes of the nature of the suit and these amendments, in view of the facts and circumstances of the case appear just and proper for due adjudication in the matter. Hence, the present application filed by the plaintiff u/o 6 Rule 17 CPC is allowed and amended plaint filed be taken on record.

Summons of the amended plaint be issued to the defendant on filing of PF, RC and speed post, returnable on 13.9.2017.

(Vandana Chauhan)
ADJ-01, West, THC/Delhi
08.08.2017