

11.07.2017

Present: Plaintiff in person with Sh. Sanjay Rawat and Ms. Namrita, Advocates.
None for the defendant no. 1.
Ms. Pushp Gupta, Advocate, for defendant no. 2.

Submissions of the Ld. Counsels for the parties on the application under Order 6 Rule 7 and under Order 6 Rule 17 r/w section 151 CPC dated 08.03.2017, are heard. The case file is perused.

Perusal of the file shows that an application under Order 6 Rule 17 r/w section 151 CPC was moved on behalf of the plaintiff before the Hon'ble High Court and the same was registered at IA 24109/2014. The said application was disposed off by the Hon'ble High Court vide order dated 05.02.2015 and the defendants were permitted to take all their pleas and defences in the amended written statement.

Perusal of the record further shows that three amended plaints have been placed on record by the plaintiffs on 06.12.2013, 27.11.2014 and 04.10.2016. The defendant no. 1 has also filed amended written statements on 31.03.2015, 15.11.2016 and 04.03.2017. The defendant no. 2 has also filed amended written statements on 28.09.2015 and 16.11.2016

The plaintiff has also filed the replications to the amended written statements of defendant no. 2 on 17.09.2014 and 24.02.2016.

Perusal of the record further shows that therefore said amended plaints, amended written statements and amended

replications/rejoinders filed by the parties because the Ld. Counsels for the parties had taken various objections to the contents of these pleadings.

Since the law regarding the amendment of pleadings is very liberal, this court is of the considered opinion that without going into the correctness or falsity of the averments raised by the parties in their pleadings and the fact that the original amendment application of the plaintiff has already been allowed by the Hon'ble High Court vide order dated 05.02.2015, it would be appropriate that the application under Order 6 Rule 7, and Order 6 Rule 17 r/w section 151 CPC dated 08.03.2017 is disposed off with the direction that the amended plaint dated 04.10.2016 shall now be taken as the final amended plaint on behalf of the plaintiff. The amended written statement dated 04.03.2017 filed on behalf of defendant no. 1 shall be treated as the final amended written statement to the amended plaint of the plaintiff on behalf of the defendant no. 1. The amended written statement to the amended plaint of the plaintiff, dated 16.11.2016, filed on behalf of defendant no. 2 shall be treated as his final amended written statement. The rejoinder/replication dated 14.12.2016, to the amended written statement of defendant no. 2 shall be treated as the final replication on behalf of the plaintiff, to the written statement of defendant no. 2.

It is ordered accordingly.

No replication to the amended written statement of defendant no. 1 dated 04.03.2017 has been filed on behalf of the

plaintiff till date. The Ld. Counsel for the plaintiff seeks a few days time to file the amended replication/rejoinder to the same. The same be filed within two weeks. Advance copy of the same be supplied to the Ld. Counsel for the defendant no. 1 three days prior to the next date of hearing.

It has been submitted by the Ld. Counsel for the parties that some documents filed by the parties subsequently, after filing of the amendment applications, amended complaints, the amended written statements of the amended rejoinders. It is hereby directed that the documents of all the parties, filed till date shall all be taken into consideration for the disposal of the present suit. The objections if any, can be taken by the parties at the appropriate stage. The application under Order 6 Rule 7 and under Order 6 Rule 17 r/w section 151 CPC dated 08.03.2017, is disposed off accordingly.

Adjourned for filing of replication to the amended written statement of defendant no. 1, if any and for admission denial of documents and for framing of issues, on **09.08.2017**.

BRIJESH KUMAR GARG
Addl.Distt Judge(NE)-01
11.07.2017