

30.05.2019

Present : Sh. Mayank Kumar, Advocate, for the plaintiff.

The Ld. counsel for the plaintiff has filed an application under Order VI Rule 17 r/w Sec. 151 CPC, on 04.05.2019.

Submissions of the Ld. counsel for the plaintiff are heard on the said application. The case file is also perused.

It has been submitted by the Ld. counsel for the plaintiff that the plaintiff had entered into an 'agreement to sell', with the defendant No.1, on 21.03.2016, for a sale consideration of Rs.75,00,000/-, out of which, a payment of Rs.66,05,000/- had already been made by the plaintiff to the defendants, till 28.06.2017. He has further submitted that the defendant No.1 has not developed the property as per the 'agreement to sell' and therefore, the plaintiff now intends to cancel the said 'agreement to sell' and since the said 'agreement to sell' dated 21.03.2016, was got executed by the defendant No. 1 by misrepresenting the facts, the plaintiff intends to get the said 'agreement to sell' declared as null & void. Accordingly, by way of the present amendment application, the plaintiff intends to incorporate the relief for declaration in the plaint, besides claiming the recovery of an amount of Rs.88,78,074/-, along with interest and a decree of permanent injunction, as claimed in the original plaint.

In view of the submissions of the Ld. counsel for the plaintiff and the fact that the suit of the plaintiff is at initial stage and even the notice of the same has not been issued to the defendants, till date, the present application for amendment is hereby allowed. The amended plaint be taken on record.

The application under Order VI Rule 17 r/w Sec. 151 CPC is disposed of accordingly.

Issue summons of the suit for settlement of issues and notice of the application XXXVIII Rule 5 and Order XXXIX Rule 1 & 2 r/w Sec. 151 CPC, to all the three defendants, on filing of PF & RC, for **16.09.2019**.

BRIJESH KUMAR GARG
Addl.Distt Judge(NE)-01
KKD Courts/Delhi
30.05.2019

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