

14.11.2025

Present: Ms Manisha Saneja, Ld LAC for the plaintiff.
Sh Sunil, Ld Counsel for the defendant.

Today, Ld. Counsel for the defendant submits that he does not wish to file any reply to the application filed by the plaintiff under Order VI Rule 17 CPC and states that he is ready to address arguments on the same.

Heard on the application. Record perused.

The plaintiff, by way of the present application seeks amendment of the plaint on the ground that due to inadvertence and lack of clarity regarding suit valuation, the correct valuation of the suit was not mentioned earlier. It is stated that the suit property was acquired by Defendant No. 1 in the year 2003–2004, and as per information received from another beneficiary in the village, compensation of Rs. 23,00,000/- (Twenty-Three Lakhs) was awarded in respect of similar land. The plaintiff further submits that in 1975, the consolidation authorities had taken over the subject land for rescheduling and therefore, he continues to remain in constructive possession of the property. Accordingly, the plaintiff seeks amendment of *paragraph 36* of the plaint to correctly reflect the valuation of the suit, the nature of reliefs claimed and the basis of valuation.

Ld. Counsel for the plaintiff submits that the matter is still at a preliminary stage and no prejudice shall be caused to the defendant by allowing the amendment. It is further contended that the plaintiff is a senior citizen above 70 years of age, who has been litigating for years to secure his rights in the suit property and would suffer irreparable loss if the amendment is not permitted.

Conversely, Ld. Counsel for the defendant has opposed the application of the plaintiff.

I have considered the rival submission of the parties. The scope of Order VI Rule 17 CPC is well settled. The court is empowered to allow amendments necessary for determining the real controversy between the parties, provided such amendments do not alter the basic nature of the suit or cause prejudice to the opposite side. Further it is trite law that the amendments which are bona fide, essential for adjudication and do not introduce a completely new cause of action should ordinarily be allowed.

In the present case, the amendment sought is limited to correcting the valuation clause and corresponding statements in the plaint and does not change the nature or character of the suit. The suit is still at an early stage, and the proposed amendment is necessary for proper and effective adjudication. No prejudice is shown to be caused to the defendant. As such I find no impediment in allowing the application. Accordingly, the application under Order VI Rule 17 CPC filed by the plaintiff is allowed. Since the plaintiff is being represented through LAC, no cost is being imposed upon the plaintiff.

The amended plaint filed by the plaintiff is taken on record. The plaintiff shall supply a copy of the amended plaint to the defendant during the course of the day. The defendant is granted liberty to file an amended written statement within 30 days from the date of receipt of the amended plaint.

List the matter for further proceedings on 08.01.2026.

(Ravinder Singh II)
DJ-04, North, Rohini Courts,
Delhi/14.11.2025