

**IN THE COURT OF DISTRICT JUDGE-02: NORTH
ROHINI COURTS COMPLEX: DELHI**

**CNR No. DLNT01-005219-2022
CS DJ 429/22
RAMVEER SINGH Vs. DEEPAK KUMAR**

28.04.2025

Present : Sh. Shival Tyagi, counsel for the plaintiff (through
VC).

Sh. Mayank Chauhan, counsel for the defendant Nos.
1 & 2.

Defendant No. 3 is already ex parte vide order dt.

22.10.2022.

Counsel for the plaintiff presses his application dt.
23.01.2025 for amendment of plaint.

ORDER:

1. Counsel for the plaintiff argues that plaintiff is the purchaser. Defendant No. 1 Deepak Kumar and defendant No. 2 are the sellers. Initially a recovery of Rs.6 lakhs was sought. Now, amendment by way of declaration, possession is being sought as defendant No. 3, who is in possession has been proceeded ex parte.

2. Per contra, counsel for defendant Nos. 1 & 2 contends that plaintiff was having knowledge that defendant No. 3 is in possession despite this no relief of possession was initially sought.

It is further argued that the suit of the plaintiff is barred by limitation.

3. Heard. File perused.

4. Admittedly, issues have not been framed by this court so far.

5. Perusal of the file shows that plaintiff is the purchaser. Defendant No. 1 Deepak Kumar and defendant No. 2 are the sellers. Initially a recovery of Rs.6 lakhs was sought. Now, amendment by way of declaration, possession is being sought as defendant No. 3, who is in possession has been proceeded ex parte.

6. There is force in the submission by counsel for defendant Nos. 1 & 2 that plaintiff was having knowledge that defendant No. 3 is in possession despite this no relief of possession was initially sought. However, since the case is at initial stage and the amendment is required to determine the real question in controversy between the parties, the amendment ought to be allowed subject to compensating the defendant Nos. 1 & 2 by way of cost of Rs.3000/- to be paid to defendant Nos. 1 & 2 by way of demand draft of Rs.1500/- each well before the next date of hearing.

7. The further arguments by counsel for defendant Nos. 1 & 2 that suit of the plaintiff is barred by limitation, will be a moot point during trial. Counsel for defendant Nos. 1 & 2 is at liberty to take appropriate defence as per law. Suffice to say at this stage that limitation is mixed question of law and facts.

8. The application u/o 6 rule 17 CPC is allowed subject to compensating the defendant Nos. 1 & 2 by way of cost of Rs.3000/- to be paid to defendant Nos. 1 & 2 by way of demand draft of Rs.1500/- each well before the next date of hearing.

9. Amended plaint is taken on record subject to payment of cost as directed above today.

10. Now to come up for report regarding payment of cost imposed today, for completion of pleadings, filing of affidavit of admission/denial of documents and framing of issues on 02.09.2025.

(VIKRAM BALI)
DISTRICT JUDGE-02/NORTH/ROHINI
DELHI/28.04.2025