

CS No. 684/17
Rajinder Singh Vs. Shikha Gupta

27.05.2019

Present : Sh.Vinay Sharma, Id. Counsel for plaintiff alongwith plaintiff in person.

Sh.Vikesh Rathi, Id. Counsel for defendants No. 1 and 2

Sh. Bhanu Pratap Yadav, Id. Counsel for defendants No. 3 and 4 alongwith defndants no. 3 and 4 in person.

Sh. Vikas Gupta, Id. Counsel for Defendant no. 5.

Reply to the amended application filed on behalf of defendants No. 3 and 4 alongwith photocopy of documents filed. Copy supplied.

Arguments heard on application under order VI Rule 17 CPC. It is submitted by Id. Counsel for plaintiff that the amendment has become incumbent subsequent to the filing of WS by the defendants No. 1 to 4 whereby the plaintiff came to know that the sale deed registered on 02.11.2010, agreement to sell and sale deed dt. 21.12.1995 and sale receipt dt. 06.05.1983 have been executed by the defendants. It is argued that the relief of declaration for declaring the aforesaid documents null and void has become necessary. It is further submitted that the amendment does not change the nature of the suit and the facts came to his knowledge during proceedings hence, the same may be permitted by way of amendment.

In rebuttal, it is argued that the plaintiff was aware about the actual facts. These documents were executed way back in the year 2010, 1995 and 1983. It is further argued that the plaintiff would have incorporated the relief of declaration against theses documents at the time of filing of the suit. It is further submitted that

different causes of actions are sought to be incorporated by way of present amendment application.

Heard. Perused the record.

The plaintiff had filed the suit for possession, permanent and mandatory injunction. Amendment can be permitted at any stage of the case if the same is necessary or the court considers the same needs to be permitted. In the present case, the main suit pertains to possession, permanent and mandatory injunction qua the suit property bearing no. M 4/ 29, Mohan Park, Model Town, Delhi. Causes of action are inter-linked with each other and relate to the main relief sought by the plaintiff. It is not the legal position that in no case causes of action cannot be clubbed together and the relevant amendment allowed in this regard.

Presently, the suit is at the stage of pleading and no prejudice will be caused to the defendants, if the present application for amendment is allowed. Hence, the present application stands allowed. And defendants are at liberty to file amended WS in this regard.

Plaintiff is required to supply copy of amended plaint to all the defendants within a week.

Subsequently, the defendants are required to file amended WS by serving the advance copy to the plaintiff.

Plaintiff is also to file replication thereafter. Advance copy thereof be also supplied to the counsel for defendants.

Put up for **replication, if any, admission denial of documents and framing of issues on 12.09.2019.**

(Shivaji Anand)
ADJ-02 (North): Rohini Courts:
Delhi: 27.05.2019