

IN THE COURT OF SH. AKBAR SIDDIQUE DISTRICT
JUDGE-04, NORTH DISTRICT
ROHINI COURTS : DELHI

CS No.854/2022

In the matter of :-

Arun

... Plaintiff

Versus

Yogender Rana

...Defendant

Order/31.07.2026

1. Vide this order, I shall dispose off the third application filed by the plaintiff/applicant, U/O VI Rule 17 CPC read with Order 1 Rule 10 (4) r/w Section 151 CPC seeking amendment in the plaint by adding para no. 12 A to 12 C, Amendment in para no. 13, 15 and amendment in prayer clause by adding prayer no. C.

FACTUAL MATRIX IN BRIEF

2. It is the case of the applicant/plaintiff that present suit is filed by the applicant/plaintiff seeking specific performance along with relief of possession and permanent injunction against defendant no.1.

3. After the defendant no.1 filed its WS, it was apprised to this court that the suit property have been sold to the defendant no.2/Smt. Suman Hora. Thus, vide order dt. 26.02.2024, this court impleaded Smt. Suman Hora as defendant no.2. Pertinently, it is the case of the applicant/plaintiff that in the initial plaint there is no relief claimed against the defendant no.2/Smt. Suman Hora. Further, there is no relief qua the cancellation of Sale Deed in favor of Smt. Suman Hora in the

original plaint.

4. Ergo, by way of present application, the plaintiff/applicant proposes to bring on record the amendments as mentioned aforesaid.

5. Conversely, opposed by the defendants on the ground that this is the third application preferred by plaintiff/applicant, U/o 6 Rule 17 CPC and it is nothing but an abuse of process of court.

6. The plaintiff/applicant by way of present application is trying to change the nature of suit as the plaintiff has completely failed to perform his part of contract as agreed at the time of execution of agreement. Moreover, plaintiff was never ready and willing to perform the part of agreement and plaintiff did not have requisite monetary resources to perform the agreement.

7. The plaintiff has failed to place on record a single bank statement, financial instrument or proof of liquid funds to establish that he was having financial capacity to pay the balance consideration on 11.06.2020 and perform the terms of the agreement as agreed between the parties.

8. Thus, the present application is devoid of merits and shall be dismissed with heavy cost.

ANALYSIS AND CONCLUSION

9. I have heard the submissions of Ld. Counsels for both the parties and carefully perused the material on record as well as the proposed amendment sought through the present application.

10. Vide order dt. 11.12.2024, the amendment application u/o 6 Rule 17 CPC filed by the plaintiff was dismissed by the Ld. Predecessors of this court by holding that if the proposed amendment sought by plaintiff are allowed then it will change the nature of the suit completely, thus, the application was dismissed. Subsequently, present application filed by plaintiff on

similar ground by the plaintiff. It is correct that pending suit is pending consideration since 24.12.2022 and issues are yet to be framed.

11. On meticulous examination of present application shows that the amendment is sought in the aforesaid paragraphs but no cogent reasons are given by the plaintiff/applicant in the application as to why the amendment in the paragraphs are being sought. Pertinently, the previous application U/o 6 Rule 17 CPC filed by plaintiff have already been dismissed by Ld. Predecessors of this court by holding that the proposed amendment will alter the entire nature of suit. Thus, the present application is filed by the plaintiff on similar lines and no explanation has been put forward as to what is the change in circumstances which is leading to the filing of present application.

12. I am of the view that the present amendments in the aforesaid paragraphs are not a mere correction or clarification but it is an attempt to destroy or change a very foundation of the suit and it also introduces new facts and plea which cannot be allowed at this stage. Further allowing such an amendment at such stage would cause grave prejudice to the defendants. The successive filing of similar application also clearly signifies abuse of process of court by the plaintiff which cannot be brushed aside.

13. The law governing amendment of pleadings is well settled. Order 6 Rule 17 CPC empowers the court to allow amendment at any stage of proceedings, if such amendment is necessary for determining the real question in controversy between the parties. However, the proviso to the said rule imposes a clear restriction that once trial has commenced, no

amendment shall be allowed, unless the parties seeking amendment shall demonstrate that despite due diligence the matter could not have been raised earlier. Further, it is also no longer res integra that such applications are not governed by the Law of Limitation and there is no prescribed period within which an amendment must be sought. Accordingly, the court retains the discretion to allow the amendments at any stage of proceedings to meet the end of justice.

14. The hon'ble Supreme Court in ***Ramesh Kumar Aggarwal Vs. Raj Mala Exports Pvt. Ltd. CA No. 3295/12***, decided on 30.03.2012 has elaborated on the object and scope of the amendment of pleadings u/o 6 Rule 17 CPC. The court held that the amendments which are bonafide, necessary and honest should not be refused. It is emphasis that the primary objective of the provision is to enable both parties to present their complete case and to ensure that justice is done by allowing pleadings to be amended in a fair and equitable manner. The court further observed that the fundamental consideration for allowing an amendment is to prevent multiplicity of proceedings and to facilitate complete adjudication of the real dispute between the parties.

15. Further, The Hon'ble Supreme Court in the case of ***Life Insurance Corporation of India (LIC) Vs. Sanjeev Builders Pvt. Ltd. & Anr 2022 Live Law SC 729***, has reaffirmed this principle by holding that all amendment which are necessary for determining real issues in controversy between the parties ought to be permitted.

16. In view of the facts and circumstances adumbrated above after perusing the application, it is clear that the plaintiff/applicant has by way of present application U/o 6 Rule

17 CPC is seeking to change the nature of the suit which is impermissible under the law. Further, the proposed amendment are not merely a clarification, rather it is an attempt to change the entire nature of the suit which will undoubtedly cause grave prejudice to the defendants.

17. In these circumstances, the amendment sought is not bonafide and is clearly intended to change the nature of the suit at the belated stage which is impermissible in law. For the foregoing reasons, the application u/o 6 Rule 17 CPC read with Section 151 CPC filed by the applicant/plaintiff is dismissed.

18. Application stands disposed off.

**Announced in the open court
on 31.07.2026**

**(AKBAR SIDDIQUE)
DJ-04, North District,
Rohini Courts, Delhi**