

Rahul Garg VS. Wasim Ahmad & Ors.
CS no. 575804/16

29-04-2019

Present: None.

File perused.

The plaintiff has filed an application seeking amendment in the plaint to incorporate the relief of specific performance of an agreement entered between the parties in relation to the subject matter of the agreement on the basis of which suit has been filed by the plaintiff claiming himself as its owner. The reliance is placed upon case Revajeetu Builders & Developers Vs. Narayanswamy & Sons (2009) 10 SCC 84. In the said case, it is held by the Hon'ble Supreme Court that while dealing with the amendment application, the court has to look that the court should decline amendments if a fresh suit on the amended plaint would be barred by limitation on the date of application.

The parties have not advanced their arguments about the limitation of the claim / relief sought to be incorporated as such, I deem it necessary to hear the parties on the limitation for effective adjudication of the application. No one is appearing today.

Put up for 20-05-2019 for arguments.

(SUNIL CHAUDHARY)
ADJ-03 (N/W) ROHINI COURTS
DELHI: 29-04-2019