

DEEPANSHI AGGARWAL Vs. MONU BAGGA

28.04.2025

Present : Sh. P.K. Rawat, ld. counsel for the plaintiff.
Sh. Puneet Buddhiraja, ld. counsel for the defendant no. 1.
Sh. Dinesh Garg and Sh. Neeraj Shrotriya, ld. counsels for the defendant no. 4.

Receipt of cost of Rs. 2000/- has been filed on behalf of the defendant no. 4.

The cost of Rs. 2,000/- imposed upon defendant no. 4 on 18.01.2025 has also been duly paid to the plaintiff.

Learned counsel for defendant no. 1 submits that he has no objection to the application under Order VI Rule 17 CPC being allowed, as the matter primarily concerns the plaintiff and defendant no. 4. He also prays for waiver of the cost of Rs. 1,000/- imposed upon defendant no. 1 on 26.10.2024.

In view of the above submission, the cost of Rs. 1,000/- imposed upon defendant no. 1 on 26.10.2024 stands waived.

Order on the application under Order VI Rule 17 read with Section 151 CPC:

Learned counsel for the plaintiff submits that by way of the present application, the plaintiff seeks to bring on record certain averments regarding his readiness and willingness to perform his part of the contract. He has relied upon the judgment of the Hon'ble Supreme Court in ***Raj Kumar v. Dipender Kaur Sethi***, [2005 (9) SCC 304].

Learned counsel for defendant no. 4 opposes the application, contending that there has been undue delay in its filing, rendering it liable to dismissal. However, there is no objection from defendant no. 1.

I have carefully heard the submissions of learned counsel for both sides, perused the record, and considered the applicable legal principles and precedents.

It is well settled that procedural rules are the handmaid of justice. The amendment sought is necessary for the proper adjudication of the plaintiff's case, and any delay can be adequately compensated by costs.

In view of the above, and in the interest of justice, the application under Order VI Rule 17 read with Section 151 CPC is allowed, subject to payment of Rs. 2,000/- as costs by the plaintiff to defendant no. 4. The amended plaint is taken on record.

The application stands disposed of accordingly.

The plaintiff has paid the cost of Rs. 2,000/- to defendant no. 4.

Defendant nos. 1 and 4 are granted liberty to file their Written Statements to the amended plaint.

Put up for arguments on the application under Order VII Rule 11 CPC on **03.06.2025**.

(Vikas Garg)
DJ-05/East/KKD
Delhi/28.04.2025