

05.12.2025

At 12:16pm

Present: Ms. Preeti, Ld. Counsel for LR of plaintiff (Plaintiff stated to be expired on 26.10.2018).
None for LRs of defendant.

An application under Order VI Rule 17 CPC filed on behalf of plaintiff on 13.11.2025.

None on behalf of LRs of defendant are appearing from last several dates. Perusal of the record shows that LRs of defendant have also not led their evidence and address final arguments.

Considering the record, the service of notice of the aforesaid application to LRs of defendant stands dispensed with.

Heard. Application and file perused.

By way of present application for amendment of plaint, plaintiff wants to amend the prayer clause of the plaint and wants to insert/add alternative relief for recovery of the consideration amount paid by her to defendant along with interest.

As per Section 22 of Specific Relief Act- Power to grant relief for possession, partition, refund of earnest money, etc.-

(1) Notwithstanding anything to the contrary contained in the Code of Civil Procedure, 1908 (5 of 1908), any person suing for the specific performance of a contract for the transfer of immovable property may, in an appropriate case, ask for-

(a) possession, or partition and separate possession, of the property, in addition to such performance; or

(b) any other relief to which he may be entitled, including the refund of any earnest money or deposit paid or ²[made by] him, in case his claim for specific performance is refused.

(2) No relief under clause (a) or clause (b) of sub-section (1) shall be granted by the court unless it has been specifically claimed:

PROVIDED that where the plaintiff has not claimed any such relief in the plaint, the court shall, at any stage of the proceeding, allow him to amend the plaint on such terms as may be just for including a claim for such relief.

(2)

(3) The power of the court to grant relief under clause (b) of sub-section (1) shall be without prejudice to its powers to award compensation under section 21.

Section 22 of Specific Relief Act, 1963 has over-riding effect over the proviso of Order VI Rule 17 CPC. Section 22 of Specific Relief Act empower the Court to allow the application for amendment of plaint for adding the alternate relief for recovery of the earnest money/consideration amount, at any stage of the proceedings i.e. even after recording of evidence of parties.

In view of the contentions made in the application, submissions given by Ld. counsel for plaintiff and above discussions, therefore, the application under Order VI Rule 17 r/w Section 151 CPC stands allowed.

Application under Order VI Rule 17 r/w Section 151 CPC is accordingly disposed off.

Amended plaint taken on record.

Put up for judgment on **09.12.2025**.

(Deepanker Mohan)

District Judge-04

Shahdara District/KKD Courts/Delhi

05.12.2025

At 2:28pm

At this stage, Sh. Surender Partap, Sh. A.K. Dubey & Ms. Preeti Rani, Ld. Counsels for plaintiff along with Sh. Hari Ram Nihar Indu appeared. They have been apprised about today's proceedings.

Put up for judgment on **09.12.2025 i.e. date already fixed.**

(Deepanker Mohan)

District Judge-04

Shahdara District/KKD Courts/Delhi

05.12.2025