

22CS202/21

GUNJAN JAIN Vs. MADHUR JAIN AND ORS

09.01.2024

Present: Sh. Yogender Sharma and Sh. Sudhanshu Sharma, Ld.
Counsels for the plaintiff.
Sh. Vikas, Ld. Counsel for the defendants no. 2 and 3.
Sh. Dhruv Jain, Ld. Counsel for the defendant no. 5 (through
VC).

Reply already filed on behalf of the defendant no. 5.

Arguments heard on the application under Order 6 Rule 17
CPC on behalf of defendant no. 5 as well.

It is submitted by Ld. Counsel for the plaintiff that by way of the instant application, plaintiff seeks to amend the present plaint for the purpose of seeking the relief of declaration challenging the Will dated 14.03.2013 executed by mother of the plaintiff in favour of defendant no. 1, and also for challenging the sale deed dated 03.07.2019 executed by defendant no. 1 in favour of defendant no. 5.

It is submitted by Ld. Counsel for the defendant no. 5 that the Will dated 14.03.2013 was duly registered and valid as per law and the plaintiff has no claim qua the said document.

Matter is still at the stage of completion of pleadings.

By way of the instant suit, plaintiff is challenging both the Wills executed by the parents in favour of defendant no. 1, and the same is yet to be decided, trial is yet to commence.

No prejudice would be caused to the defendants if the present application is allowed.

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In view of the above, the application filed by **plaintiff under Order 6 Rule 17 is allowed.**

Amended plaint is taken on record.

Put up for filing of amended WS by defendant no. 5/framing of issues on 24.04.2024.

(Ankur Jain-II)
ADJ-02, Shd District
Karkardooma Courts/Delhi 09.01.2024