

1 CS 203/22 VIKAS JAIN Vs. KIRTI KAPOOR AND ANR

16.03.2026

Present: Sh. Rakesh Sharma and Sh. Harender Dubey, Ld.
Counsels for the Plaintiff along with plaintiff.
Defendant no. 1 already proceeded ex-parte.
Sh. Abhishek, Ld. Counsel for the Defendant no.2
through VC.

IA No. 01/2026

Arguments heard on application under Order VI
Rule 17 CPC from both the sides.

It is submitted by Ld. Counsel for the Defendant
no.2 that at the time of the alleged dispossession of the plaintiff
in October 2022, the rent agreement of the plaintiff has already
been expired since 11.02.2021 and as per the report of the Ld.
Local Commissioner, the suit property was already vacant.

It is submitted by Ld. Counsel for the Defendant no.
2 that he may be deleted from the array of parties as plaintiff has
not sought any relief against defendant no. 2 in the present suit,
and the entire claim of the plaintiff is against defendant no.1,
being the tenant of defendant no.1, for recovery of his security
amount.

Ld. Counsel for the plaintiff submits that he has no
objection to the above submissions of the Ld. Counsel for the
Defendant no.2.

In view of the above, defendant no.2 is hereby
deleted from the array of parties.

By way of the instant application, plaintiff seeks to
add paras no. 4 (A), 13 (A), 13 (B) and to delete prayer clauses
no. (ii), (iii) and (iv) from the plaint for the purpose of stating

that the plaintiff was dispossessed from the suit property by Cholamandalam Bank on 25.10.2022, and that the plaintiff remained in possession of the suit property till 21.10.2022.

Since no objection has been filed on behalf of defendant no.1 to the amendment application filed on behalf of plaintiff, therefore, in view of the reasons mentioned in the application under Order VI Rule 17 CPC, **the same is allowed.**

Amended plaint is hereby taken on record.

Plaintiff is directed to file amended memo of parties qua deletion of defendant no. 2 on NDOH.

Put up for further proceedings/ ex-parte final arguments on **29.05.2026.**

(Ankur Jain-II)
DJ-02, SHD District
KKD/Delhi 16.03.2026