

20 CS 340/19

JAMALUDDIN ANSARI Vs. ALLAUDDIN ANSARI

28.02.2025

One regular stenographer is on medical leave. No substitute stenographer has been provided.

Present: Sh. Yash Sampat Ld. Counsel for the plaintiff
through VC.

Sh. Manish Bhadoriya, Ld. Counsel for defendants

During the course of arguments, Ld. Counsel for defendants on instructions submits that defendants have no objection, if the application for amendment be allowed subject to costs.

Heard. File perused.

The plaintiff initially has filed the present suit seeking the relief of possession, permanent injunction and mandatory injunction against defendant No.1, however, after filing of WS by D-1, plaintiff filed an application under Order I Rule 10 CPC for impleadment of Nasim Begum as D-2. The said application was allowed vide order dated 29.07.2024 and thereafter, the present application was filed on 22.10.2024. The plaintiff by way of the present application wants to amend the plaint by seeking the relief of declaration for challenging the documents filed and relied by defendants along with written statement. It is pleaded that plaintiff came to know about the alleged documents only after receiving the WS of D-1. The plaintiff by way of present application wants to add necessary

paragraphs in the plaint including cause of action and prayer clause which are required to challenge/assail the said documents. The proposed amendment shall not change the nature of suit. The present matter is still at initial stage and issues are yet to be framed.

In view of the submissions, contentions made in the application, no objection given by the Ld. Counsel for the defendants and above observations, the application under Order VI Rule 17 r/w Section 151 CPC is hereby allowed subject to costs of Rs.4,000/- which is to be paid by plaintiff to defendants.

Application is accordingly disposed of.

Amended plaint is taken on record. Copy already supplied.

WS to the amended plaint and affidavits of admission and denial of documents be filed within 30 days with an advance copy to plaintiff.

Plaintiff is at liberty to file replication within 30 days with an advance copy to the defendants.

Plaintiff and defendant are directed to file the respective affidavits of admission and denial of documents within 30 days with an advance copy to opposite side.

Parties are directed to produce original documents on the next date of hearing.

Parties are directed to appear in person on the next date of hearing for the purpose of admission and denial of documents and recording their statements under Order X CPC.

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Put up for completion of pleadings, admission and denial of documents, framing of issues and arguments on pending applications on **03.07.2025**.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
28.02.2025