

CS No. 264/20

05.11.2020

(Matter is taken up through VC)

Present : Sh. Bharat Singh, Id. proxy counsel for plaintiff (through VC).

Matter was fixed for consideration/filing of appropriate application.

An application under O 6 R 17 CPC has been filed on behalf of plaintiff for amendment of pleadings.

By way of the present application, the plaintiff has sought incorporation of para no. 1 (a) in the plaint which is as follows :

(a). That it is submitted that the plaintiff is in possession of entire property bearing no. 1/9263, Gali No.7, Near Canara Bank, Main Babarpur/ Hanuman Road, West Rohtash Nagar, Shahdara, Delhi -110032 of 100 Sq. Yds consisting of ground floor to top floor except of a shop which is in possession of Sh. Bharat Suneja i.e Defendant no.3. for which the plaintiff has already filed a suit for possession and damages against the defendant no.3.

It is further submitted that the aforesaid proposed amendment will not change the nature of the suit and no prejudice would be caused to the defendants if the present application is allowed.

Submissions heard. Record perused.

It is worthwhile to mention that the suit is at an initial stage and defendants have not come on record yet. Further, since the amendment sought is formal in nature and the same is not going to prejudice anyone in case the present application is allowed, therefore, in view of the above discussion, the present application is disposed of as allowed.

Amended plaint be taken on record. Fresh memo of parties be filed on the NDOH.

Issue summons of the suit and notice of the application to the defendants by email/whatsapp and regd./speed post on PF to be furnished electronically.

Plaintiff/Id. Counsel for plaintiff is directed to file an affidavit stating the whatsapp number of defendants on the email ID of the court i.e. readeradj01shahdara@gmail.com. An affidavit be also furnished as proof of service of summons along with requisite certificate under Section 65-B of Indian Evidence Act and tracking/delivery report on the email ID of the court on or before NDOH.

Put up this matter on 03.03.2021.

(Vineet Kumar)
Additional District Judge-01
SHD/KKD/Delhi/05.11.2020