

CS 17198/16

SUNIL AND ORS Vs. KAMLESH AND ORS

09.07.2018

Present: Sh. Jai Singh, brother of the plaintiff No.1 with
counsel Sh. Sunil Chauhan.
Sh. Joginder Sehrawat, Counsel for defendant No.2.
Defendants No.1 and 3 are ex-parte.

Submissions heard on the application moved by plaintiff
under Order 6 Rule 17 CPC.

The application is not opposed on behalf of defendant
no.2.

It is seen that vide orders dated 04.12.2017, this court had
framed an additional issue regarding the maintainability of the present
suit for permanent injunction simplicitor without the prayer for
declaration. The amendment application now seeks to incorporate the
relief of declaration. Since the present suit for permanent injunction
simplicitor would possibly not have been maintainable, the plaintiff is
entitled to incorporate the preceding/foundational relief i.e. declaration.
The application is allowed.

Let the amended plaint be filed/taken on record.

Put up for amended WS, if any with directions for supply
of advance copy to the plaintiff.

List on 17.09.2018.

(VISHAL GOGNE)
ADJ-02 : Dwarka Courts
New Delhi/09.07.2018