

29 CS DJ ADJ 376/25

SANJOGITA AGARWAL Vs. MAHESH KUMAR

07.05.2026

Present: Sh. Rishabh Jain, Ld Counsel for plaintiff.
Sh. Rakesh Kumar, Ld Counsel for defendant.

Today the matter is fixed for arguments on application under Order VII Rule 11 CPC, application under Order VI Rule 17 CPC and application under Section 151 CPC.

Arguments heard on application under Order VI Rule 17 CPC.

Be put up for orders at 4 PM.

(Abhitosh Pratap Singh Rathore)
DJ-05 (SW)/Dwarka Courts
New Delhi: 07.05.2026

At 4 PM

Present: None.

By way of application under Order VI Rule 17 CPC applicant is seeking permission to amend the certain paragraphs in the original plaint. It is stated that amendments are essential for the proper and effective adjudication of the present suit and are being sought *bona fide*.

Counsel for plaintiff submits that amendments sought are necessary to decide the real matter in controversy. By way of present application, plaintiff seeks to carry out certain amendments, which are as follows;

a) That the **affidavit of Plaintiff No. 2** placed at **Page Nos. 13** of the Plaint were inadvertently filed with the title referring to an "**Application**" instead of the "**Plaint**." However, the case title details of the deponent, and the name of the Hon'ble Court are correctly mentioned therein. The Plaintiffs respectfully submit the correct affidavit, duly executed on the same date, are annexed herewith as **Document 1**. The Plaintiff pray for the

kind leave of this Hon'ble Court to substitute the said inadvertent affidavit with the correct and fresh affidavit relating to the present suit. The amended affidavit of Plaintiff No. 2 is annexed herewith as **Document 2**.

b) That the Certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhinyam, 2023 in respect of Plaintiff No. 2 specifically Part B has been inadvertently filed with Part B meant for Plaintiff No. 1, at Page No. 69 of the plaint. The Plaintiff(s) seek leave to rectify this clerical error and place the correct certificate for Plaintiff No. 2 on record. The amended certificate is annexed as **Document 3**.

c) That the **Verifications of Plaintiff No. 1 and Plaintiff No. 2**, placed at **Page Nos. 10 and 11** of the plaints, respectively, inadvertently mention the word "Application" instead of "Plaint." The Plaintiffs respectfully pray that this Hon'ble Court be pleased to permit substitution of the said Verifications with the correct Verifications pertaining to the present suit. The corrected Verifications of Plaintiff No. 1 and Plaintiff No. 2 are annexed herewith as **Document-4 (Colly)**.

Counsel for plaintiff relies upon a judgment passed by the Hon'ble Supreme Court of India in *“Dinesh Goyal @ Pappu v. Suman Agarwal (Bindal) & Ors., arising out of SLP © No.30324 of 2019”* whereby Apex Court has held that procedural amendments when sought bona fide and without altering the core nature of the suit, should be allowed in the interest of justice.

Despite opportunity, defendant has not filed any reply to the application. It is clear that plaintiff by way of present application is merely correcting certain errors of technical nature which inadvertently crept in the earlier documents.

Considering that plaintiff by way of present amendment is neither changing the nature of the suit nor is withdrawing any admissions made and also

considering the fact that suit is at its nascent stage where even the pleadings are not complete as yet, this court considers it fit to allow the application. Application under Order VI Rule 17 CPC is allowed.

List for arguments on application under Order VII Rule 11 CPC and application under Section 151 CPC on **17.07.2026**.

(Abhitosh Pratap Singh Rathore)
DJ-05 (SW)/Dwarka Courts
New Delhi: 07.05.2026