

Civ DJ 851/19

SMT KULWANT KAUR W/O ATIAPAR SINGH Vs. SH RAVINDER
SINGH @ RAMINDER SINGH AND ANR

03.07.2025

Present: Sh. C.L. Sharma, Ld counsel for plaintiff.

Sh. Amarjeet Rai, Ld counsel for defendants.

In this matter, arguments were heard on application u/o 47 Rule 1 r/w Section 114 CPC and application u/o 7 Rule 14 (3) r/w Section 151 CPC moved on behalf of plaintiff.

ORDER

Application u/o 47 Rule 1 r/w Section 114 CPC

1. In said application, plaintiff has sought the review of order dated 05.01.2023. It is submitted that plaintiff filed an application u/o 6 Rule 17 r/w Section 151 CPC and vide impugned order, Court decided the said application and same was partly allowed and plaintiff was allowed to delete the relief of declaration. It is submitted that by way of said application, plaintiff sought certain more amendments, however, Court did not give any finding on the same. By way of present application, prayer has been made to review the order dated 05.01.2023.

2. Perusal of record shows that vide order dated 05.01.2023, Court decided the application u/o 6 Rule 17 r/w Section 151 CPC moved on behalf of plaintiff. Perusal of said application shows that by way of said application plaintiff sought certain amendments, however, Court gave its finding only

regarding two amendments. The first finding was regarding permission to plaintiff to delete the prayer of declaration and the second finding was with regard to valuation and in said regard, Court denied the prayer to amend the valuation clause.

3. Perusal of record shows that by way of application u/o 6 Rule 17 CPC, plaintiff also sought amendment in paragraph no.2 of initial plaint, however, vide impugned order, no finding has been given regarding the same by the Court. In para no.2 of the initial plaint, plaintiff is clarifying the fact that how defendant no. 1 and 2 came in possession of suit property. It is submitted that initially plaintiff allowed the mother of defendant no. 1 and 2 to use and occupy the suit property i.e. First and Third Floor of property bearing no. WZ-307, Gali No. 1 and 2, Guru Nanak Nagar, Tilak Nagar, Delhi and after the demise of their mother they are in possession of the same. It is further submitted that said property has been shown in the site plan.

4. Perusal of record also shows that by way of said application, plaintiff also sought amendment in para no. 4 of the initial plaint, however, no finding has been given regarding the same by the Court in the impugned order. In initial plaint it is submitted that first floor is in the possession of defendant no.1, however, by way of amendment, plaintiff wants to make clear that said floor is in the possession of defendant no.2 and said fact is duly reflected in para no.2 of the initial plaint.

5. Perusal of record also shows that plaintiff also sought the amendment in the title of the suit, however, no clear finding has been given vide

impugned order, although in view of the Court, after permission to delete the prayer of declaration, plaintiff is at liberty to amend the title accordingly.

6. Perusal of record also shows that in prayer clause, plaintiff also sought clear description of the suit property, however, no finding has been given regarding the same.

7. This Court is of the considered view that the amendments sought in para no.2, 4 and title and prayer clause of initial plaint, do not change the nature of the suit and no prejudice shall be caused to the opposite side if said amendment are allowed as they are only clarifying the things and there is mistake or error apparent on the face of record in impugned order as no findings were given regarding the said amendments in impugned order. Accordingly, present application is allowed and plaintiff is permitted to make amendment in para no. 2, 4 and title and prayer clause of initial plaint in terms of the prayer in application u/o 6 Rule 17 CPC. Accordingly, this application is disposed of.

Application u/o 7 Rule 14 (3) r/w Section 151 CPC

1. By way of this application, plaintiff wants to file on record the site plan of the suit property. This Court is of the considered view that the document i.e. site plan is relevant document and case is at the initial stage as issues have not been framed so far, so in the interest of justice, application is allowed and said document is taken on record and accordingly, this application is disposed of.

Plaintiff is directed to file the amended plaint with copy to other side and defendants are at liberty to file the amended written statement after receipt of copy of amended plaint.

Matter be put up on 31.07.2025.

**Announced in the open Court
on this 3rd day of July, 2025.**

**(Dharmender Singh)
District Judge-01, (West)
Tis Hazari Courts, Delhi**