

Civ DJ 1014/22

SMT RENU GERA Vs. SH ASHOK BHATIA AND ANR

20.07.2026

Present: Sh. Sanjay Shangari, Ld. Counsel for plaintiff.

None for defendant no.1 (suit compromised between the plaintiff and defendant no.1).

Sh. Taranpreet Singh, Ld. Counsel for LR of defendant no.2.

1. Ld. Counsels for parties submit that there are three applications pending for consideration.

(i) Application u/o VI Rule 17 CPC filed by plaintiff

(ii) Application u/o VII Rule 14 CPC filed by plaintiff

(iii) Application u/o VII Rule 11 CPC filed by defendants

Pleading regarding the said applications are complete.

2. **Application u/o VI Rule 17 CPC filed by plaintiff**

3. By way of present application, the plaintiff has sought amendment in the pleadings made in the plaint. It is submitted by Ld. Counsel for plaintiff that on filing of written statement by defendants, the plaintiff came to know about certain new facts. The defendants have pleaded in written statement regarding an alleged Will dated 21.08.1991 purported to be executed by father of parties and Will dated 10.10.2012 purported to be executed by mother of the parties and further four Gift Deeds dated 04.09.2017. The defendants are claiming their rights on the basis of said documents. The plaintiff had

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served a notice upon the defendants, however, the same documents were neither supplied to the plaintiff nor particulars regarding the same given to the plaintiff in terms of the demand made in the legal notice. Ld. Counsel for plaintiff submits that considering the defence taken by defendants regarding the said documents, the pleadings made in the plaint are required to be amended and the plaintiff is required to further seek relief of declaration and plead his case regarding the abovestated documents. Ld. Counsel for plaintiff has prayed to allow the present application.

4. During the course of arguments on application u/o VI Rule 17, Ld. Counsel for defendant no.2 has submitted that he does not have any objection if said application is allowed.

5. The present suit is still at initial stage. Issues have not been framed so far. The plaintiff is seeking amendment of the pleadings on the ground that he came to know regarding the claim of defendants based on the abovestated documents only on defendants filing their written statement. Plaintiff was not aware about the existence of the alleged documents prior to the filing of written statement. The amendments which are sought to be incorporated in the plaint are of necessary nature. Therefore, considering the submissions made and the no objection on behalf of Ld. Counsel for defendant no.2, the present application is allowed. Plaintiff is directed to file amended plaint, if not filed already.

6. **Application u/o VII Rule 14 CPC filed by plaintiff**

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7. The plaintiff has filed the present application for taking on record the documents filed alongwith the application on record. During the course of the arguments, Ld. Counsel for defendant has submitted that he does not have any objection in case the present application is allowed and the documents are taken on record.

8. Perusal of record shows that the plaintiff has filed the present suit for the relief of partition, possession, rendition of account and permanent injunction. Further, the plaintiff's application to incorporate the relief of declaration has been allowed today. The documents which are annexed with the application are regarding the alleged execution of Wills, Gift Deeds and the documents of identity of plaintiff and others. The documents relates to the pleadings made by the plaintiff in the suit, therefore, the said documents are necessary in nature for the plaintiff to prove his case. The case is still at initial stage No prejudice will be caused to the defendnat no.2 as they are relying on the said documents. Therefore, considering the submissions and no objection by the Ld. Counsel for defendant no.2, the present application u/o VII Rule 14 CPC is allowed and the documents annexed with the application are taken on record.

9. **Application u/o VII Rule 11 CPC filed by defendants**

10. During the course of the arguments, Ld. Counsel for defendant no.2 submits that application u/o VII Rule 11 CPC was based on the pleadings made in the original plaint. Since, the Court has allowed the application for amendment of pleadings, therefore, he is

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not pressing the said application. Said application was jointly filed by defendant no.1 and 2, however, during the pendency of the present suit, the plaintiff has entered into compromise with defendant no.1. Therefore, the said application has not been pressed by defendant no.1. In view of the submissions of the Ld. Counsel for defendant no.2 regarding not pressing the present application, the present application is disposed of as not pressed.

11. Ld. Counsel for defendant no.2 submits that in the amended suit, the plaintiff has sought relief of declaration and consequential relief and he is required to pay ad valorem Court fee on the same. Ld. Counsel for plaintiff seeks one opportunity to address arguments on Court fee issue.

12. Ld. Counsels for parties are at liberty to file judgments in support of their contention. In case, the parties rely on certain judgments, copy of same be supplied to other side.

13. Now to come up for arguments on issue of Court fee on the amended prayer on 28.09.2026.

(Sunil Choudhary)
District Judge-01(West)
Tis Hazari Courts, Delhi/20.07.2026