

CS (Comm) No. 167-25
Deepak Kapoor Vs. Rahul Kumar & Ors.

07.03.2025

Present:- Sh. Saurav Bhasin, Ld. Counsel for plaintiff.

Ld. Counsel for plaintiff has filed an application under Order VI Rule 17 CPC to amend the plaint.

Since summons of the suit have not yet been issued to the defendant, no need to issue notice of the instant application.

Arguments heard.

Ld. Counsel for applicant/plaintiff submits that wherever defendant no. 1 has been mentioned in the plaint, same will be replaced by the name of Rahul Kumar as plaintiff wants to delete defendant no. 1 from array of defendants. He further submits that he has also made amendment in the title of the suit from “*Suit for mandatory injunction*” to “*Suit for mandatory injunction and permanent injunction*”. He further submits that plaintiff also wants to amend para-6 by adding the line at the end of para by stating “*the vehicle was physically delivered to the plaintiff on 23/11/2021 itself and the plaintiff is in possession of the said vehicle as on date*”. He further submits that plaintiff also wants to amend para-14 by replacing with the new para-14. He further submits that after above said amendments, defendant no. 2 & 3 are now defendants no. 1 & 2 respectively.

Ld. Counsel for plaintiff further submits that plaintiff also wants to amend the prayer clause by deleting the

prayer clause no. 2 and add prayer clause no. 2 that reads “*That the permanent injunction be granted in favour of plaintiff and against defendant no. 1 by restraining defendant no. 1 to transfer the said vehicle in any third party’s name*”.

I have heard submissions and gone through record.

Considering the facts and circumstances that the case is at nascent stage and amendment does not change the nature of the suit. Further, it is settled law that application under Order VI Rule 17 CPC for amendment of plaint should be taken liberally, therefore, in the interest of justice, I allow the application.

Ld. Counsel for plaintiff further submits that he has inadvertently forgot to file statement of truth alongwith amended plaint and seeks some time to file the same and amended memo of parties.

In these circumstances, amended paint is returned and same be filed alongwith statement of truth and amended memo of parties.

Put up on 27.03.2025.

(Sanjeev Kumar Aggarwal)
District Judge (Commercial Court)-01,
Central, Tis Hazari Courts,
Delhi/07.03.2025