

**IN THE COURT OF SH. PANKAJ ARORA:
DISTRICT JUDGE-16, CENTRAL DISTRICT:
TIS HAZARI COURTS: DELHI**

CSDJ no. 347/20

Mukesh Kumar Sharma

.....Plaintiff

Versus

Binni Sharma & Ors.

.....Defendants

ORDER

1. Vide this order, this court shall proceed to dispose of an application, one u/o 6 Rule 17 r/w 151 of CPC seeking amendment of plaint moved on behalf of plaintiff.

2. It is submitted on behalf of plaintiff that the present suit is being filed for Suit for Possession under section 6 of the Specific Relief Act along with application under order 39 rule 1 and 2 of CPC, however, due to inadvertent bonafide error, the relief of Permanent Injunction was not prayed as same is required as consequential relief of the main relief in the present suit. Further, the plaintiff is having apprehension that the defendants may create third party interest in the suit property as the plaintiff was dispossessed forcibly during the lis pendens of partition suit No. 330/2019 and original title documents of the suit property is in the possession of the defendants. Hence, the plaintiff wants to add para no. 12A in the plaint i.e "The plaintiff is having apprehension that the defendants may create third party interest in the suit property as the plaintiff was dispossessed forcibly during the lis pendens of partition suit vide Suit No.330/2019 and original title documents of the suit property is in the possession of the defendants".

Further, in prayer clause the word "restore" is now being added with the word handover now the sentence is "handover/restore" in prayer clause a) directing the defendants to handover/restore the actual, vacant, peaceful and physical possession of the suit property i.e House no 1513, First Floor, Gali Arya Samaj, Sita Ram Bazar, Delhi-110006, more specifically shown in the site plan, in the interest of justice.

It is further stated that prayer for the permanent injunction is now added in the prayer clause which shall be read as clause b) "Pass a decree of permanent injunction in favour of the plaintiff and against the defendants, their family members, agents, attorney, assignees, representatives, etc thereby restraining them from selling, alienating, transferring or creating any third party interest etc in the property bearing House No. 1513, First Floor, Gali Arya Samaj, Sitar Ram Bazar, Delhi-110006 as the defendants are being in possession of the Original title of document of the aforesaid property and further restraining them from making any structural changes in the aforementioned premises in the interest of justice."

3. On the other hand, the application is opposed on behalf of the defendants by filing reply to the said application stating that the application filed by the plaintiff does not disclose any bonafide reason for seeking amendment in the plaint and the same has been filed at a highly belated stage.

4. This court has heard arguments and perused the record.

5. In the present amendment application, the plaintiff is seeking leave of the court to incorporate relief of permanent injunction thereby restraining the defendants from creating third party interest in the suit property. The present suit has been filed

by the plaintiff on 24-07-2020 and the present application is filed on 17-10-2023. There is no mention of any specific act of the defendants whereby the plaintiff is having an apprehension that the defendants may create third party interest in the suit property. In other words, no cause of action for claiming relief of permanent injunction is revealed by the plaintiff. No cogent explanation is furnished as to why the relief of permanent injunction is claimed in the plaint itself. In these circumstances, no ground is made out for permitting the plaintiff to amend the plaint at this highly belated stage. Accordingly, the present application u/s 6 Rule 17 of CPC moved on behalf of plaintiff stands dismissed being devoid of merits.

**Announced in the open Court
on 31-01-2026**

**(PANKAJ ARORA)
DISTRICT JUDGE-16/ CENTRAL:
TIS HAZARI COURT:DELHI/ 31-01-2026**