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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 61/2021

HARISH GUPTA

.....Plaintiff

Through: Mr. Shiv Charan Garg & Mr.
Imran Khan, Advs.

Versus

PRADEEP GUPTA & ANR.

.....Defendants

Through: Mr. Munish Gupta, Adv. (joined
through VC) & Ms. Mamta
Kumari, Adv. (physically) for
D-1.

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PREETI
PAREWA, (DHJS)**

ORDER

% 05.05.2026

**I.A. 18806/2025 (by Plaintiff- for direction to the
Registry to keep Written Statement filed on behalf of
defendant no.1 Dated 07.02.2025 off the record)**

1. The present application under Section 151 of the Code of Civil Procedure, 1908 has been filed by the plaintiff seeking directions to the Registry to take off the record the Written Statement dated 07.02.2025 filed by defendant no.1 to the Amended Plaintiff and for closure of the right of defendant no.1 to file Written Statement to the Amended Plaintiff.

2. Learned counsel for the plaintiff submits that vide order dated 29.03.2023, the plaintiff was permitted to amend the plaint only to the limited extent of correction of the property number from property bearing No. C-244, Sector-4, Bawana Industrial Area, Delhi to property bearing No. C-242, Sector-4, Bawana Industrial Area, Delhi. It is contended that while filing the Written Statement to the Amended Plaintiff, defendant no.1 has



incorporated extensive amendments beyond the scope of amendment allowed in the Plaint and has altered certain preliminary objections and pleadings. It is thus prayed that the Written Statement dated 07.02.2025 be taken off the record.

3. Per contra, learned counsel for defendant no.1 submits that after amendment of the Plaint was allowed, defendant no.1 had moved I.A. No. 8443/2023 seeking appropriate clarification/modification regarding filing of Written Statement to the Amended Plaint. It is submitted that the said application was disposed of vide order dated 10.01.2025, whereafter defendant no.1 filed the Written Statement to the Amended Plaint. It is further submitted that the plaintiff was aware of the filing of the Written Statement and instead of filing Replication, has moved the present application merely to delay adjudication of the suit.

4. I have heard learned counsel for the parties and perused the record.

5. The law is well settled that upon amendment of a Plaint, the defendant acquires a corresponding right to file an additional or amended Written Statement dealing with the amended pleadings. The object is to afford a fair opportunity to the defendant to respond to the case as altered by the amendment. Whether the amended Written Statement travels beyond the amendment allowed in the Plaint and the effect thereof are matters which can appropriately be considered at the stage of adjudication of issues and appreciation of pleadings. Mere incorporation of certain additional averments in the amended Written Statement does not *ipso facto* warrant striking off the



entire Written Statement from the record.

6. In the present case, it is not disputed that the amendment in the plaint was allowed to be filed vide order dated 29.03.2023 and that thereafter proceedings concerning the filing of Written Statement to the Amended Plaint continued till disposal of I.A. No. 8443/2023 on 10.01.2025. It is also not disputed that the Written Statement dated 07.02.2025 stands filed on record.

7. Significantly, the plaintiff has not demonstrated any irreparable prejudice caused merely by the filing of the said Written Statement. If any portion of the Written Statement is beyond the permissible scope in law or contrary to earlier pleadings, the plaintiff is at liberty to raise all objections thereto at the appropriate stage. The Court is not required at this stage to undertake a microscopic examination of individual pleadings for the purpose of striking off the Written Statement in entirety.

8. The power under Section 151 CPC is to be exercised sparingly and only where compelling circumstances exist to prevent abuse of process or secure the ends of justice. In the facts of the present case, no such exceptional circumstance is made out warranting exercise of inherent powers for striking the Written Statement off the record or closing the right of defendant No.1.

9. It is further relevant that procedural law is intended to advance the cause of justice and not to defeat adjudication on merits. Unless serious prejudice or deliberate abuse of process is clearly established, parties ought ordinarily to be permitted to contest the matter on merits.



10. In view of the ~~af~~resad, this Court finds no merit in the present IA and consequently, the application at hand is dismissed.

11. Needless to say, all rights and contentions of the parties with respect to the maintainability, permissibility and evidentiary value of any pleading or averment are kept open to be considered at the appropriate stage in accordance with law.

12. The above captioned IA stands **disposed of** accordingly.

IA No.11222/2020 u/O XI R.14 CPC by plaintiff

13. **Pleadings are already complete.**

14. Judgment filed on behalf of the plaintiff in support of the captioned IA is already on record.

15. Part submissions of the plaintiff heard.

16. Re-notify the captioned IA for further arguments on the next date of hearing.

IA No.364/2021 u/O XI R.2 and 14 CPC by plaintiff

17. **Pleadings are already complete.**

18. Part submissions of the plaintiff heard.

19. Re-notify the captioned IA for further arguments on the next date of hearing.

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20. Vide separate order of even date, the IA No. 18806/2025 moved on behalf of plaintiff seeking direction to the Registry to keep Written Statement filed on behalf of defendant no. 1 dated 07.02.2025 off the record stands disposed of.

21. The Written Statement to the Amended Plaint filed by defendant no.1 is already on record.



22. Re-notify the matter for further proceedings on 06.07.2026.

PREETI PAREWA (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 05, 2026/bs