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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 274/2022 with I.A. 7604/2022, I.A. 17765/2022, I.A. 14082/2023 and I.A. 14083/2023**

AJAY JAIN

.....Plaintiff

Through: Advocate (*appearance not given*)

versus

GURDARSHAN SINGH & ANR.

.....Defendants

Through: Dr. Alok, Ms. Aanchal Budhreja, Ms. Smriti Walia, Mr. Dhananjay Mittal and Mr. Siddharth Narang, Advocates for D-1 and D-2.
Mr. Anil Kumar Singh, Advocate for proposed D-3.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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06.11.2025

I.A. 14082/2023 (u/O VI Rule 17 of CPC, 1908)

1. This application has been filed under Order VI Rule 17 of the Code of Civil Procedure, 1908 (hereinafter 'CPC'), seeking amendment of the plaint.
2. The plaintiff had initially filed the present suit seeking specific performance of the agreement to sell dated 23rd November, 2021 executed between the plaintiff and defendants no.1 and 2.
3. The stand taken by the defendants in their written statement was that the defendants no.1 and 2 had sold the said property to one Mr. Dharmen Shah.



4. Accordingly, the plaintiff seeks an amendment to the extent that he wants to give up the prayer for specific performance and only seek prayer for refund of amount paid by the plaintiff to the defendants.

5. I have heard the counsel for the parties.

6. In light of the facts discussed above, the aforesaid amendments are necessary for property adjudication of the suit. The suit is still at an early stage and the proposed amendments do not change the nature and character of the suit.

7. Accordingly, the proposed amendments are allowed.

8. The application stands disposed of.

I.A. 14083/2023 (u/O I Rule 10 of CPC, 1908)

9. This application has been filed on behalf of the plaintiff seeking impleadment of one Mr. Harsh Asri.

10. It is the case of the plaintiff that the plaintiff paid a sum of Rs.86,00,000/- for purchase of the aforesaid property, which included an amount of Rs.30,00,000/- drawn in favour of the defendants no.1 and 2 and Rs.56,00,000/- paid to Mr. Harsh Asri.

11. It is the case of the plaintiff that the aforesaid amount was paid to Mr. Harsh Asri as he claimed to be the owner of the said property. It is further submitted that the plaintiff demanded the chain of documents of ownership from Mr. Harsh Asri for the purpose of obtaining loan from a bank. At that time, Mr. Harsh Asri represented that the defendants are the real owners and he was acting only as the agent/representative of the defendants. Thereafter, Mr. Harsh Asri obtained the agreement to sell dated 23rd November, 2021 from the defendants in favour of the plaintiff with respect to the sale of the suit property.



12. Counsel appearing on behalf of the proposed defendant no.3 has filed a reply to the present application opposing his impleadment.

13. I have heard the counsel for the parties.

14. In view of the averments made in the application that the plaintiff had paid a sum of Rs.56,00,000/- to Mr. Harsh Asri in relation to the said property, in my view, impleadment of Mr. Harsh Asri as a defendant would be necessary for the proper and effective adjudication of the suit.

15. Accordingly, Mr. Harsh Asri is impleaded as defendant no.3 in the present suit.

16. Amended memo of parties be filed within one (1) week.

17. The application stands disposed of.

CS(OS) 274/2022

18. Consequent to the impleadment of the defendant no.3, the plaint shall be amended within two (2) weeks and shall be served upon the newly impleaded defendant no.3.

19. Issue summons in the suit to the newly impleaded defendant no. 3.

20. Summons are accepted by counsel appearing on behalf of the defendant no.3. The defendant no.3 shall file written statement within thirty (30) days from today along with documents in support.

21. Liberty is given to the remaining defendants to file amended written statement to the amended plaint four (4) weeks.

22. Replication(s), if any, shall be filed within two (2) weeks thereafter along with the affidavit of admission/denial of the documents of the defendant no. 3.

23. List before the Joint Registrar on 21st January, 2026.



24. List before the Court on 25th March, 2026.

AMIT BANSAL, J

NOVEMBER 6, 2025

Vivek/-