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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 284/2022, I.A. 7821/2022, I.A. 6669/2023, I.A. 15754/2023
& I.A. 40764/2024

SURESH CHANDER GANDHI & ORS. Plaintiffs

Through: Ms. Rishika Arora, Advocate.

versus

CHAND MALHOTRA & ORS. Defendants

Through: Mr. Manish Srivastava, Mr. Hardik
Vashisht and Mr. Moksh Arora,
Advocates for D-1.

Mr. Kapil Gupta, Mr. Pushpender,
Mr. Mayank Tomar and Mr. Prateek,
Advocates for D-2.

Mr. Rajesh Kumar Luthra, Advocate
for D-3 to D-6 and D-8 to D-10.

Ms. Upasana Raheja, Ms. Mehak
Chaudhary and Mr. Pranav Sahni,
Advocates for D-7.

Mr. Attin Shankar Rastogi, Advocate
for D-11.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **12.08.2025**

I.A. 15754/2023 (under Order VI Rule 17 of CPC, 1908)

1. This application has been filed on behalf of the plaintiffs under Order VI Rule 17 of the Code of Civil Procedure, 1908 seeking to amend the plaint. It is submitted that the amendment is necessitated on account of the written statement filed by the defendant no.11 alleging that Late Smt.



Santosh Kumari Gandhi had executed a Will dated 27th November, 2021 bequeathing her properties to the defendants no.1, 2 and 11.

2. The alleged Will mentions a demat account and two savings accounts which are not mentioned in the Schedule of Property filed along with the plaint.

3. Having heard counsel for the parties, in my view, the proposed amendments are necessary to determine the real controversy between the parties. The suit is at the initial stage and no prejudice would be caused if the amendment is allowed.

4. Accordingly, the application is allowed and is disposed of as such.

I.A. 40764/2024 (seeking amendment of the written statement)

5. This application has been filed on behalf of the defendants no.6 and 8 seeking to amend their written statement.

6. Counsel for the applicants submits that even though the present application has been filed on behalf of the defendants no.6 and 8, the application is not opposed by the defendants no.3 to 5, 9 and 10. He submits that a no objection certificate from the defendants no.3 to 5, 9 and 10 shall be filed within one (1) week from today.

7. Counsel appearing on behalf of the defendant no.7 opposes the present application on the ground that by way of the present application, the defendants no.6 and 8 are trying to resile from their admissions made in the original written statement.

8. I have perused the present application and the proposed amendments.

9. The proposed amendments are based on the applicants becoming aware of the Will executed by their mother Smt. Manorma Gandhi in December 2023.



10. Counsel for the defendant no.7 has opposed the present application on the ground that no such Will has been executed.

11. Having heard counsel for the parties, in my view, the objections raised by the defendant no.7 are with regard to the merits of the matter. It is a settled position of law that at the time of considering an application for amendment of pleadings, the Court is not required to go into the merits of the matter and the veracity of the pleadings.

12. The aforesaid proposed amendments are necessary to avoid multiplicity of proceedings between the parties. Moreover, the suit is at the initial stage of completion of pleadings.

13. Nevertheless, the interest of the defendant no.7 may be secured by giving the said defendant an opportunity to rebut the subject amendments by filing an additional pleading in response to the said amendments.

14. In view of the above, the present application is allowed and the amended written statement filed on behalf of the applicants/ defendants no.6 and 8 shall be taken on record, subject to filing of the no objection certificates of the defendants no.3 to 5, 9 and 10.

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15. In view of the order passed above, the amended plaint is taken on record.

16. Let the written statement to the amended plaint be filed by the defendant no.2 within thirty (30) days.

17. Liberty is given to the remaining defendants to file additional pleadings in respect of the amendments carried out in the plaint.

18. Subject to the filing of no objection certificates of the defendants no.3 to 5, 9 and 10, the amended written statement of the defendants no. 3 to 6



and 8 to 10 shall be taken on record.

19. Liberty is given to the plaintiff and the remaining defendants including the defendant no.7 to file additional pleadings in response to the amended written statement within four (4) weeks from today.

20. List before the Joint Registrar for completion of pleadings on 28th October, 2025.

21. List before the Court on 17th February, 2026.

I.A. 6669/2023 (seeking condonation of delay in filing written statement on behalf of the defendant no.2)

22. In view of the fact that the amended plaint has been taken on record and a fresh opportunity is given to the defendant no.2 to file written statement, counsel for the applicant/defendant no.2 does not press this application.

23. Accordingly, the present application is dismissed as not pressed.

AMIT BANSAL, J

AUGUST 12, 2025

Vivek/-