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

+ **CM(M) 766/2025 & CM APPL. 24898-24900/2025**

SATPAL YADAV

.....Petitioner

Through: Ms. Prachi Gupta, Adv.

versus

RAJESH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **07.07.2025**

1. The petitioner has filed a suit seeking permanent and mandatory injunction.
2. The suit was filed in the year 2017 and in the year 2019, the petitioner/plaintiff moved an application seeking amendment in the plaint and by virtue of such application, the petitioner/plaintiff wanted to incorporate the relief of possession and declaration.
3. Such application remained pending adjudication for around six years.
4. Learned counsel for the petitioner/plaintiff submits that the application could not be disposed of on account of delaying tactics adopted by the respondent/defendant and finally when the learned Trial Court took up the abovesaid application on 14th January, 2025, it dismissed the abovesaid application with cost of Rs.20,000/-.
5. The Court has gone through the contents of the application whereby the petitioner/plaintiff is seeking amendment in the suit. There is matrimonial discord between the parties and it was in the abovesaid backdrop that the



petitioner/plaintiff had sought injunction. According to his case, he is the owner of the property in question situated in Samaypur, Delhi-110042. By virtue of suit in question, he seeks injunction against his wife to not create any hindrance, obstruction or interference in his rights. The petitioner/plaintiff seems desirous of letting out ground floor of the suit property on rent. He also seeks direction to respondent/defendant not to create any third party interest and part with the possession of the suit property.

6. The petitioner/plaintiff seems to be in possession of first floor and the defendant is in possession of ground floor.

7. When the suit was filed, the petitioner/plaintiff, merely, claimed that he was owner of the suit property and did not attempt to explain, elucidate and clarify as to how he had become the owner.

8. Fact, however, remains that by virtue of the abovesaid application, whereby he was seeking amendment in the plaint, he, merely, claimed that on account of inadvertence, the relief of possession and declaration could not be mentioned in the plaint and since, such relief was of utmost importance, he may be permitted to amend the suit.

9. The abovesaid application was resisted by his wife. Learned Trial Court while dismissing the abovesaid application recorded that the suit was filed in the year 2017 and the issues had already been framed on 16th March, 2018 and instead of leading any evidence, the abovesaid application was moved and there was inordinate delay in conduct of the proceedings by the petitioner/plaintiff and he had not examined even a single witness after the issues were framed on 26th July, 2018.

10. However, there is no discussion in the impugned order with respect to the fact as to why the abovesaid application remained pending all these years.



As already noticed, the application had been moved in the year 2019 and the endeavor of the learned Trial Court should have been to dispose of the abovesaid application, as expeditiously as possible.

11. Fact, however, remains that the abovesaid application has rather been disposed of in January 2025.

12. The amendment request has been disallowed, merely, observing the conduct of the petitioner/plaintiff as he did not examine even a single witness.

13. The issues were, admittedly, framed on 26th July, 2018 and the application was filed within one year of framing of issues and it seems that the amendment request has been declined, holding that the request has come belatedly, when the affidavit of evidence was already on record.

14. Undoubtedly, the petitioner/plaintiff also seems to rely upon one Will dated 9th November, 1978, but at the same time, it is not clear as to why the above said application could not be disposed of earlier.

15. Issue notice to the respondent through all permissible modes including *dasti*. Notice be also issued through counsel.

16. The learned counsel for the petitioner undertakes to place on record the copies of the orders passed by the learned Trial Court, after filing of the abovesaid application.

17. List on 08.09.2025.

18. Be shown in Supplementary List.

19. The learned Trial Court is also requested to defer the hearing of the matter to a date subsequent to the one given by this Court.

MANOJ JAIN, J

JULY 7, 2025/gunn/js