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

+ **CS(OS) 384/2022 I.A. 9944/2022**

ANURADHA

.....Plaintiff

Through: **Mr. Anil Bhasin, Adv.**

versus

SMT PARVEEN & ORS.

.....Defendants

Through: **Mr. S.P. Gupta, Adv. for D-1 & 2.**
Mr. Vijay, Adv. for D-3 & 4.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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29.01.2025

I.A. 2295/2025

1. This application has been filed under Order VI Rule 17 of CPC by defendant Nos.3 and 4 to amend the written statement.
2. At the very outset, counsel for plaintiff states that PW-1 has already been examined in-chief and cross-examination has now been deferred. The matter is at the stage of recording of evidence.
3. Defendant Nos.3 and 4 along with defendant Nos.1 and 2 filed a common written statement in 2022.
4. Counsel for defendant Nos.3 and 4 states that during the mediation, which happened in 2024, they realised that there was manipulation and influence which had been inflicted on them by defendant Nos.1 and 2 to support them in the present legal proceedings against the plaintiff and, therefore, they were forced to file a common written statement.
5. In this view of the matter, the amended written statement may be taken on record.



6. Needless to state, that this is not the initial stage of the suit and defendant Nos.3 and 4 have been appearing through counsel ever since September 2022. There is no reason why the amendments sought, couldn't have been placed earlier.
7. In fact, it is stated that by these amendments they seek to dissociate themselves from defendant Nos.1 and 2 and in fact support the plaintiff.
8. Whatever the position might be of defendant Nos.3 and 4, they can very well place it on record through their affidavits of evidence, which have yet not been filed.
9. At this stage to allow their amended written statement, in the opinion of this Court, is not merited.
10. Accordingly, the application is dismissed.

I.A. 2293/2025

1. This application has been filed under Order VIII Rule 1A of CPC for filing of additional documents.
2. In the facts and circumstances as stated above, defendant Nos. 3 & 4 state that there are certain old documents relevant to the suit properties and ought to be placed on record.
3. Most of the documents sought to be placed on record are bank statements.
4. Counsel for plaintiff states that the bank official has already been named as a witness by them and they have also placed certain documents on record relating to the bank transactions, which were in their possession.
5. At this stage, to introduce fresh documents when the evidence has already commenced, may not be merited.
6. Accordingly, this application is also dismissed.



7. Defendant Nos.3 and 4 will be at liberty to place their case through the affidavits of evidence and summon any witnesses in the list of witnesses which is yet to be filed.

CS(OS) 384/2022

1. List before the Joint Registrar (Judicial) for recording of evidence on 20th February 2025.
2. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 29, 2025/MK