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

+ **CS(OS) 441/2023**

SH. SUBHASH CHANDRA JARODIAPlaintiff

Through: Mr. Vikramjeet Singh Ranga,
Advocate.

versus

SH. VIJAYINDER KUMAR & ORS.Defendant

Through: Mr. Ashutosh Nagar, Mr. Ishan
Harlalka, Advocates for D-1.
Mr. Himanshu Sachdeva, Mr. Ashish
Kumar Yadav, Advocate for
defendant no. 4.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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17.01.2025

I.A. 1216/2025

1. This application has been filed under Order VI Rule 17 of Code of Civil Procedure, 1908 by the plaintiff for amending the suit. The suit was initially filed for declaration of a gift-deed and Will executed by the father of the plaintiff and defendants.
2. Counsel for defendant No.1 appears on advance notice and draws attention to judgment dated 5th November 2024 passed by this Court in application under Order VII Rule 11 of CPC. He points to *para* 29 of the said order which is extracted as under: -

29. In the facts of this case the plaintiff has not prayed for



the essential consequential relief for declaration of co-ownership and possession. In the considered opinion of this Court, without seeking the said consequential reliefs the present suit for declaration would not be maintainable in view of Section 34 of Specific Relief Act, 1963 and is liable to be dismissed under Order VII Rule 11 (d) of CPC.

3. Considering that the amendments which are being sought are relatable to the consequential reliefs, the issue would, therefore, have to be considered in terms of what is stated by the Court in *para 29* above, before considering the said application.
4. Accordingly, list on 23rd January 2025, the date already fixed.
5. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 17, 2025/ak