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

+ CS(OS) 346/2019 & I.A. Nos. 9244/2019 & 12078/2022
MASTER VIHAN (MINOR) Plaintiff

Through: Mr. Anil Dagar, Advocate.
(M): 9811570337
Email: anildagaradv@gmail.com

versus

NARENDER VIJAYRAN & ORS. Defendants

Through: Mr. Ankit Jain with Mr. Aditya
Chauhan, Advocates.
(M): 7838003807
Email: jainandassociates390@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

01.11.2022

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[Physical Hearing/Hybrid Hearing]

I.A. No. 12078/2022 (Application under order VI rule 17 read with Section 151 CPC for amendment of plaint and application under Order XXXIX Rule 1 and 2 CPC read with Section 151 CPC on behalf of plaintiff)

1. This is an application under Order VI Rule 17 read with Section 151 CPC on behalf of plaintiff for amendment of plaint.
2. It is submitted on behalf of plaintiff that inadvertently details of some of the suit properties had not been mentioned in plaint and in prayer clause of plaint and in application under Order XXXIX Rule 1 and 2 CPC at the time of filing of the present suit.
3. It is submitted that during arguments on the application under Order XXXIX Rule 1 and 2 CPC, the fact regarding non-mentioning of details of properties came to knowledge of plaintiff. Thus, by way



of the present application, plaintiff has given details of suit properties. Amendment is sought to be done in the plaint with respect to adding details of said properties in body of plaint as well as in prayer clause as also in prayer clause of application under Order XXXIX Rule 1 and 2 CPC.

4. Learned counsel for plaintiff submits that he has also filed an amended site plan along with the present application.

5. Learned counsel appears on behalf of defendants and fairly submits that he has no objection if the present application is allowed. However, he submits that this submission is being made without prejudice to his rights and contentions.

6. Considering the aforesaid, the present application is allowed.

7. The present application is disposed of accordingly.

I.A. No. 17468/2022 (Application under Order VI Rule 16 CPC on behalf of defendants)

8. This is an application on behalf of defendant under Order VI Rule 16 CPC, wherein they have prayed for directions to plaintiff to delete paras 4 to 40 of the plaint.

9. It is submitted that the said paras pertain to facts relating to divorce petition already filed in Family Court, Dwarka, New Delhi between mother and father of plaintiff. Thus, these paras are liable to be struck off being unnecessary, frivolous and vexatious, which tend to prejudice the present proceedings.

10. Issue notice.

11. Notice is accepted by learned counsel plaintiff.

12. Reply be filed within four weeks. Rejoinder thereto, if any, be



filed within two weeks thereafter.

13. List before Joint Registrar for completion of pleadings on 16.12.2022.

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14. Learned counsel for plaintiff submits that amended suit along with the amended application under Order XXXIX Rule 1 and 2 CPC including the amended site plan have already been filed.

15. Let amended written statement be filed on behalf of defendants within a period of four weeks.

16. List before Joint Registrar for completion of pleadings on 16.12.2022.

17. List before Court on 22.02.2023.

18. Interim order dated 10.10.2019 is continued till the next date of hearing.

MINI PUSHKARNA, J

NOVEMBER 1, 2022

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