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

+ **CS(COMM) 446/2024**

DEEV GENSET SALES AND SERVICES

THROUGH ITS PARTNER AND AUTHORISED

REPRESENTATIVE

.....Plaintiff

Through: Mr. Vivek Srivastava and Mr. Govil
Upadhyaya, Advs.

versus

DEEV GENSET SALES AND SERVICES & ORS.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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27.08.2024

I.A. 36108/2024 (under Order VI Rule 17 read with Section 151 CPC seeking amendment of plaint by plaintiff)

1. The present application has been filed by the plaintiff to correct the typographical error in para 18 of the plaint.
2. The learned counsel for the plaintiff invites the attention of the Court to the para 18 to contend that the case of the plaintiff is that it is a victim of criminal conspiracy which was hatched by the defendants in collusion with the Indian Railways and the same came to the knowledge of the plaintiff only in September 2021, whereas in para 18 it has been wrongly mentioned as October 2021.
3. He further invites attention of the Court to paragraphs 13, 15 and 24, where the time of gaining knowledge of such conspiracy has been correctly mentioned as September 2021. He submits that the present application is being filed only to bring the contents of para 18 of the plaint in sync with averments made in aforesaid paras of the plaint.



4. He further submits that summons were issued by this Court *vide* order dated 28.05.2024, but since the typographical error came to the notice of the plaintiff, the process fee was not filed and the summons have not yet been issued to the defendants.

5. Considering the fact that the amendment prayed is formal in nature seeking to correct the typographical error and further regard being had to the fact that the defendants have not been served with summons, the application is allowed and the amended plaint, which has been filed along with the application, is taken on record.

6. The application stands disposed of.

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7. On filing of process fee, issue fresh summons to the defendants by all permissible modes.

8. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

9. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

10. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

11. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

12. List before the learned Joint Registrar for completion of service,



pleadings, admission/denial of documents and marking of exhibits on 24.10.2024.

13. List before Court after completion of pleadings on 29.11.2024.

14. The next date of hearing before the learned Joint Registrar i.e. 02.09.2024 stands cancelled.

AUGUST 27, 2024/dss

VIKAS MAHAJAN, J