



\$~10.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 610/2012, IAs No.4637/2012 (u/O XXXIX R-1&2 CPC),
20039/2012 (u/O VII R-10 & 11 CPC), 20042/2012 (u/O XXXIX R-4
CPC) and 10685/2017 (u/S 151 CPC).

UNION OF INDIA & ORS

..... Plaintiffs

Through: Mr. A. S. Chandhiok, Sr. Adv. with
Mr. Rishabh Sahu, Mr. Sameer
Sharma and Mr. Tanuj Chopra, Advs.
for P-1.

versus

SHANTI GURUNG & ORS

..... Defendants

Through: Ms. Jayshree Satpute, Adv. for D-1.
Mr. Darpan Wadhwa, Sr. Adv. with
Mr. Varun Kumar and Ms. Avshreya
Rudy, Advs. for D-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

06.02.2018

**IA No.1305/2016 (of the plaintiffs under Order VI Rule 17 read with
Order I Rule 10 CPC).**

1. The plaintiffs/applicants seek impleadment of Mr. Mitchell A. Karlan, partner of M/s. Gibson, Dunn & Crutcher LLP, a Law Firm of New York as defendant no.4 to this suit.
2. The senior counsel for the plaintiffs/applicants and the senior counsel for the proposed defendant no.4 Mr. Mitchell A. Karlan have been heard.
3. The counsel for the defendant no.1 Shanti Gurung also opposes the application.
4. A perusal of the application shows the same to have been drafted treating the defendant no.2 M/s. Gibson, Dunn & Crutcher LLP which

CS(OS) 610/2012

page 1 of 3



vide order dated 22nd May, 2013 was ordered to be deleted from this suit as still a party to this suit.

5. The senior counsel for the plaintiffs states that the appeal of the plaintiffs against the order deleting defendant no.2 M/s. Gibson, Dunn & Crutcher LLP is pending before the Division Bench of this Court. However on enquiry, it is informed that there is no stay of the order appealed against.

6. Thus, as far as this Bench is concerned, the defendant no.2 M/s. Gibson, Dunn & Crutcher LLP is not a party to this suit and the application drafted and seeking amendments treating the defendant no.2 M/s. Gibson, Dunn & Crutcher LLP to be still a party to this suit cannot be entertained.

7. The senior counsel for the plaintiffs/applicants states that the plaintiffs/applicants have by way of amendment also sought to enhance the valuation of this suit so as to prevent transfer of the suit to the District Court consequent to the enhancement in the minimum pecuniary jurisdiction of this Court. The counsel for the defendant no.1 states that she has no objection as far as the enhancement of valuation of the suit for the purposes of jurisdiction is sought. The question of the proposed defendant having any objection to the amendment qua valuation does not arise.

8. The senior counsel for the plaintiffs/applicants under instructions withdraws the application insofar as seeking other amendments, with liberty to apply afresh.

9. Thus the application is disposed of allowing amendments only to para 34 of the plaint qua valuation of the suit for the purposes of court fees and jurisdiction and application insofar as seeking other amendments is dismissed as withdrawn with liberty to apply afresh.

CS(OS) 610/2012

page 2 of 3



10. The application is disposed of.

CS(OS) 610/2012, IAs No.4637/2012 (u/O XXXIX R-1&2 CPC), 20039/2012 (u/O VII R-10 & 11 CPC), 20042/2012 (u/O XXXIX R-4 CPC) and 10685/2017 (u/S 151 CPC).

11. Amended plaint in terms of today's order be filed within four weeks along with additional court fees, with advance copy to the counsel for the defendant no.1. Written statement thereto within further sixty days as sought. Replication thereto within another thirty days thereafter.

12. The parties to file affidavits of admission/denial of each other's documents before the next date of hearing.

13. List on 28th August, 2018 for framing of issues, if any, and for consideration of other pending applications.

RAJIV SAHAI ENDLAW, J

FEBRUARY 06, 2018

'pp'..

CS(OS) 610/2012

page 3 of 3