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

+ **CS(OS) 746/2022**

AAGOMONI DAS

..... Plaintiff

Through: Mr. Jayant Tripathi and Mr. Shrey
Gupta, Ms. Megha Singh and Mr.
Sugam Mishra, Advocates.

versus

ARINDAM SIRKER & ANR.

..... Defendants

Through: Mr. S. K. Bhaduri with Mr. Sneha Lata
Jha, Mr. Sumit Kumar, Mr. Prem
Prakash and Ms. Neetu Gupta,
Advocates for D-1 and 2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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03.04.2024

I.A. 24564/2023

By way of the present application filed under Order VI Rule 17 read with section 151 of the Code of Civil Procedure 1908, the plaintiff seeks amendment of the plaint.

2. The limited amendment sought is in the verification clause.
3. The original verification clause read as under :

“VERIFICATION:

I, the Plaintiff do hereby verify at New Delhi, on this the 13th day of Nov, 2022 that the contents of paragraphs 1 are based on personal knowledge, the contents of paragraphs 13 are based on records pertaining to the case, the contents of paragraphs 14 are based on information received and believed to be correct, the contents of paragraphs 23 are based on legal advice received and believe to be true and correct, and that the last paragraph is the prayer before the Court.”

4. The amendment sought to the verification clause reads as under :



“VERIFICATION:

I, the plaintiff do hereby verify at New Delhi, on this the 23rd day of November, 2022 that the contents of paragraphs 1 to 12 are based on my personal knowledge, the contents of paragraph 13 is based on records pertaining to the case, the contents of paragraphs 14 to 16 are based on the information received and believed to be correct, the contents of paragraphs 17 to 23 are based on legal advice received and believe to be true and correct, and the last paragraph is the prayer before the Court.”

5. Notice on this application was issued on 08.12.2023. However, no reply is forthcoming on the record.
6. The court has heard Mr. Jayant Tripathi, learned counsel appearing for the plaintiff as well as Mr. S. K. Bhaduri, learned counsel appearing for the defendants.
7. Mr. Tripathi explains that the amendment sought has been occasioned due to an inadvertent error in not including all the para numbers in the verification clause.
8. The suit is at the preliminary stage. Pleadings are yet to be completed. The plaintiff is not seeking to withdraw or recant on any averment or allegation contained in the plaint.
9. In the circumstances, the application is allowed.
10. The amendments are permitted to be made in the verification clause as per para 3 of the application.
11. Let the amended plaint be filed within 02 weeks.
12. As prayed-for by Mr. Bhaduri, it is clarified that all objections of the defendants in relation to what has been stated in the amended verification clause are kept open.
13. The application stands disposed-of in the above terms.



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14. Let written statement to the amended plaint be filed within 30 days from the date of receipt of the amended plaint, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by the defendants.
15. The written statement to the amendment plaint be restricted to the amendments made in the plaint by way of I.A. No. 24564/2023.
16. List before the learned Joint Registrar for reviewing the status of completion of pleadings, and for other proceedings on 06th May 2024.
17. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

APRIL 3, 2024

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