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

+ **CS(OS) 768/2022 & I.A. 20758/2022 I.A. 15923/2023 I.A.**

19968/2023 I.A. 8007-8008/2024 I.A. 46968/2024 I.A. 8667/2025

SHRI NAVEEN MAHAJANPlaintiff

Through: Mr. Kunal Kalra, Adv.

versus

SMT SUDERSHAN RANI & ORS.Defendants

**Through: Mr. Navit Bansal and Mr. Deepak
Gaur, Advs.**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 08.04.2025

I.A. 8007-8008/2024, I.A. 46968/2024 (condonation of delay in filing reply to IA 20758/2022) & I.A. 8667/2025 (condonation of delay in filing rejoinder)

1. Learned counsel for the plaintiff and defendants state that these applications are formal in nature and may be allowed.
2. Accordingly, the relief sought in these applications is condonation of delay in filing replies/rejoinders.
3. For the reason stated in the application, the delay is condoned and the replies and/or is rejoinder is taken on record.
4. With the aforesaid direction the applications stand disposed of.

I.A. 19968/2023 (on behalf of the plaintiff for amendment under Order 6 rule 17 read with section 151 CPC)

5. This is an application filed by the plaintiff under Order VI Rule 17 of



the Code of Civil Procedure, 1908 (CPC).

6. Learned counsel for the plaintiff states that plaintiff seeks amendment of the plaint since during the pendency of these proceedings; defendant no. 1, i.e., the mother of the plaintiff passed away.

7. He states that defendant no. 2's son, Paras Mahajan has propounded a Will dated 09.12.2016 executed by defendant no. 1, whereunder Mr. Paras Mahajan is claiming exclusive rights in the subject property no. B-25A/5, 2nd Floor, Ramesh Nagar, Delhi-110015 ('subject property').

8. He states that the plaintiff as well resides in the subject property and does not admit to the genuineness of the Will. He states that the amendments are being sought inter-alia to challenge the said Will.

9. In reply, learned counsel appearing on behalf of defendant nos. 2 to 5 submits that defendant no. 5 i.e. Mr. Paras Mahajan has not yet filed any testamentary case with respect to Will dated 09.12.2016 He submits that said defendants do not admit to the pleas sought to be raised by the plaintiff by way of the proposed amendment.

10. He states, however, he has no objection, if the application is allowed while reserving right of defendant nos. 2 to 5 to file a fresh written statements considering that the amendments made by the plaintiff, are extensive in nature. He states that the amendments are substantial.

11. In response, learned counsel for the plaintiff has no objection to the submission of the defendants.

12. This Court has considered the submissions of the parties.

13. In view of the subsequent events of death of defendant no. 1 and Will dated 09.12.2016 propounded by defendant no. 5, the amendments proposed are allowed; without prejudice to the rival pleas and contention of the parties



including the right of the defendants to contend that the plaintiff is seeking to change the nature of the cause of action by the amended plaint.

14. With the aforesaid direction, the application stands allowed.

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15. Learned counsel for the plaintiff states that the amended plaint in conformity with the amendments sought for I.A. 19968/2023 will be filed within a period of two (2) weeks.

16. The defendant nos. 2 to 5 are directed to file their additional written statements within a period of thirty (30) days after receiving a copy of the amended plaint.

17. The plaintiff is at liberty to file replication thereto, if any, within fifteen (15) days from receipt of service of the written statement alongwith affidavit of admission/denial of documents.

18. List before the Joint Registrar (J) for completion of pleadings, admission/denial of documents and recording of exhibits on **01.07.2025**.

19. List before the Court for framing of issues and disposal of pending IAs on **04.09.2025**.

MANMEET PRITAM SINGH ARORA, J

APRIL 8, 2025/hp/ms

Click here to check corrigendum, if any