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

+ **CS(OS) 4/2024**

KUSUM SINGH

.....Plaintiff

Through: Mr. Gautam with Ms. Poonam Shahi,
Advocates.

versus

VINOD KUMAR SINGH

.....Defendant

Through: Mr. Vijay K. Gupta with Mr. Mehul
Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **14.10.2025**

I.A. 1559/2025 (u/O VI Rule 17 CPC)

1. Heard learned counsel appearing for the parties on the instant application.
2. Mr. Gautam, learned counsel appearing for the plaintiff has taken this Court through the nature of the amendment which is sought to be incorporated.
3. The said prayer is strongly opposed by Mr. Vijay K. Gupta, learned counsel appearing for the defendant. According to him, by virtue of the said amendment, the plaintiff is trying to wriggle out from the admission which has already been made in paragraph no.3 of the un-amended plaint. According to Mr. Gupta, earlier the specific case of the plaintiff was that the mother was the owner of the property in question, whereas, by way of the amendment the plaintiff tries to alter the aforesaid position to state that the



mother, plaintiff and defendant are entitled to the extent of 1/3rd share each over the suit property. Secondly, Mr. Gupta has also taken this Court through the affidavit which was filed by the plaintiff to indicate that the plaintiff herself had relinquished her share in favour of the mother. Mr. Gupta, therefore, submits that such an amendment is not permissible in law.

4. I have considered the submissions made by learned counsel appearing for the parties and have perused the record.

5. Paragraph no. 3 which was existing in the un-amended plaint is extracted as under:

“3. That the mother of the both plaintiff and sole defendant Smt. Vedwati Singh@ Vedwati Singh w/o late Keshri Nandan Singh now deceased owned one immovable residential property bearing municipal no as House no. 680, Bhola Nagar, Kotla Mubarkpur, New Delhi-110003, (old no. F -318) hereinafter referred to as "suit property" admeasuring 200 sq. yds., three side open which is a self-acquired property of late Vedwati Singh(now deceased).”

6. The said paragraph is sought to be amended as under:

“3A. That the mother of the both plaintiff and sole defendant Smt. Vedwati Singh @ Vedwati Singh w/o late Keshri Nandan Singh now deceased owned 1/3 share in immoveable property with her son and daughter in suit property since the suit property was purchased by father of the plaintiff and defendant in his own name on 01.09.1947 and he died intestate in December 1948 and as such both the plaintiff and defendant will get 1/3 share each in the suit property. Since the mother of the plaintiff and defendant also died intestate the 1/3 share of the mother will be devolved equally between the plaintiff and defendant”

7. Various reasons have been explained in the application under Order VI Rule 17 of the CPC to state that the plaintiff was not in possession of the correct facts and, therefore, having noticed the correct position, is now



seeking for an amendment. It be noted that the plaintiff and the defendant are siblings.

8. Moreover, the suit is at its initial stage. The issues have not yet been framed and the evidence has not yet commenced. If the amendment, at this stage, is rejected, the same may possibly cause prejudice to the plaintiff.

9. The submissions of Mr. Gupta can be allowed to be addressed by way of allowing the defendant to file the written statement to the amended plaint.

10. Under these circumstances, reserving all rights and contentions of the parties including Mr. Gupta's right to file the written statement to the amended plaint and without expressing any opinion about the correctness of the assertions made by the plaintiff in the instant application, the same stands allowed.

11. The amended plaint is taken on record. Mr. Gupta is granted thirty days' time to file the written statement of the amended plaint. The replication thereof be filed by the plaintiff within the permissible time.

12. The application stands disposed of.

13. It be stated that any admission will not be allowed to be withdrawn and the said aspect can be considered during the trial.

CS(OS) 4/2024 and I.A.118/2024

14. Let the matter be listed before the Joint Registrar on 24.11.2025.

15. Let the trial of the case be expedited.

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 14, 2025

tr/mj