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

+ **CS(OS) 44/2006**

DEEPIKA PURI

..... Plaintiff

Through: Mr. Rakesh Munjal, Sr. Advocate
with Mr. Vikram Nandrajog,
Advocates

versus

S. N. REKHI HUF

..... Defendant

Through: Mr. T.K.Ganju, Sr. Advocate with
Mr. Aquib Ali, Ms. Anupriya Nigam
and Ms. Amreen Khaliq, Advocates
for D-2 and 3
Ms. Pallavi Dubey, Advocate for D-4

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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01.03.2023

I.A. 3134/2023 (u/O- VI R-17 of CPC)

1. The instant application under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of applicant/defendant no. 2 seeking the following relief:-

“a. Allow the present application and consequently, take the amended written statement filed on behalf of the Defendant No. 2 on record...”

2. Learned senior counsel appearing on behalf of applicant/defendant no. 2 and 3 submitted that the defendants no. 2 and 3 are the only contesting defendants in the captioned suit for partition filed by the plaintiff and have been defending the said suit. It is stated that the written statement filed by



the defendant no. 2 was adopted by defendant no.3 *vide* order dated 29th May, 2005 passed by the Predecessor of this Court. It is submitted that the defendants no. 2 and 3 have come to know recently about the existence of the original Will dated 18th March, 2005, duly registered on 21st March, 2005 and Codicil made by Late Shri S.N. Rekhi, the father of the plaintiff and the defendants no. 2, 3 and 4, duly registered on 17th June, 2005, and the same are appended as 'Document-2 and Document-3' respectively to the application. It is further submitted that certain amendments were made in the Will dated 18th March, 2005, by which the share of Late Shri S.N. Rekhi in the HUF property in question at Jor Bagh bequeathed all his rights, title and interest only upon defendants no. 2 and 3 and plaintiff in equal proportion. The Codicil noticed that this change was necessitated on account of the subsequent memorandum of family settlement dated 15th April, 2005 and the relinquishment deed executed by Sh. Rajiv Nath Rekhi i.e., defendant no.4.

3. Learned senior counsel appearing on behalf of applicant/defendant no. 2 and 3 submitted that by way of filing the instant application, defendant no. 2 seeks permission to formally amend his written statement so as to bring on record the factum of the aforesaid registered documents which are relevant and necessary to determine the real question in controversy between the parties. It is further submitted that the aforesaid documents, which are registered with the office of Sub-Registrar, are authentic, genuine and relevant and therefore, this Court may take cognizance of the said documents for arriving at the just decision in accordance with law.

4. Heard learned senior counsel appearing on behalf of applicant/defendant no. 2 and 3 and perused the record, including the



contents made in the instant application.

5. Issue notice. Notice is accepted by Mr. Vikram Nandrajog, learned counsel appearing on behalf of non-applicant/plaintiff and Ms. Pallavi Dubey, learned counsel appearing on behalf of non-applicant/defendant no.

4. They vehemently opposed the instant application and prayed for some time to file reply/objection.

6. Let reply/objection to the application be filed within two weeks. Rejoinder, thereto if any, be filed within a week thereafter.

7. List on 14th April, 2023.

CHANDRA DHARI SINGH, J

MARCH 1, 2023

Dy/ug