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

+ RSA 26/2024

**MALKHAN SINGH (DECEASED) THROUGH LRS AND
ORS.** Appellants

Through: Mr. Tanmaya Mehta, Mr. Sunil
Chauhan and Ms. Vatsala Chauhan, Advs.

versus

RAKESH JAIN AND ORS. Respondents
Through: Mr. J. Sai Deepak, Mr. Avneesh
Garg, Mr. M.T. Reddy and Mr. Harsh Pal,
Advs. for R-1

**CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR**

% **ORDER**
27.05.2024

1. On 19 February 2024, the following order was passed by this
Court:

“1. Both sides have been heard at exhaustive length on the
aspect of issuance of notice and framing of substantial question of
law.

2. One of the pivotal issues –in fact, the pivotal issue – which
arises for consideration in the present case is whether the learned
Additional District Judge was justified, in the impugned judgment
dated 7 July 2023, in rejecting the prayer for the appellant to
amend the plaint instituted by the appellant before the learned Trial
Court under Order VI Rule 17 of the CPC.

3. Accordingly, the Court frames the following substantial
question of law as arising for consideration:

(i) Whether the learned Senior Civil Judge was justified in
disallowing the appellant’s application for amendment
under Order VI Rule 17 of the CPC and, consequently, in
upholding the dismissal of the plaint by the learned Civil
Judge under Order VII Rule 11 of the CPC ?



4. As there is a limited issue involved for consideration, list for disposal on 11 March 2024 for hearing and disposal at 2.30 pm.
5. Needless to say, if any other issue arises for consideration, the Court would frame it and decide it on the same day.”
2. Both parties have thereafter been heard at length on the question of law which has been framed in the afore-noted order, as is noted in the orders dated 8 April 2024 and 22 April 2024.
3. Detailed arguments on the question of law have been addressed by both sides, rejoinder was argued by Mr. Mehta and sur-rejoinder was permitted to Mr. J. Sai Deepak.
4. When the Court had closed the arguments and was about to reserve order in the matter, Ms. Vatsala Chauhan, learned Counsel for the appellant submits that there are other substantial questions of law which arise for consideration, which she would like to urge.
5. It was clearly noted in the order dated 19 February 2024, extracted *supra*, that if any other substantial question of law arises for consideration, the Court may frame it and decide in these proceedings.
6. Not a single argument was advanced by Mr. Mehta either in his original submissions or in rejoinder regarding any other substantial question of law arising for consideration. Nonetheless, the Court cannot restrain the appellant from so urging. However, in these circumstances, there is no sense in keeping this matter before this Bench.



7. The matter is released from part-heard.
8. Re-notify this matter before appropriate Bench, as per roster, subject to orders of Hon'ble the Judge In-Charge (Original Side), on 19 July 2024.
9. It is made clear that there is no interim order passed in this case.

C. HARI SHANKAR, J.

MAY 27, 2024

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Click here to check corrigendum, if any