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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. J.P.Sengh, Sr. Adv. with
Mr. Sunil Chauhan, Ms. Vatsala Chauhan
and Mr. Shashank Sharma, 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

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19.02.2024

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.

C. HARI SHANKAR, J.

FEBRUARY 19, 2024

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[Click here to check corrigendum, if any](#)