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

+ **CM(M) 2235/2025**

DAL CHAND YADAV

.....Petitioner

Through: Mr. Siddhartha Yadav, Ms. Ishita
Yadav and Mr. Deepak Kumar,
Advocates.

versus

DEEPAK KUMAR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **20.11.2025**

CM APPL. 72824/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM(M) 2235/2025 & CM APPL. 72823/2025 (stay)

2. Petitioner has assailed order dated 09.09.2025 of the learned trial court, whereby amendment application of defendant was allowed despite the bar of proviso under Order VI Rule 17 CPC having kicked in. Learned counsel for petitioner/plaintiff strongly opposes the impugned order on the ground that the amendment sought is not only hit by proviso to Order VI Rule 17 CPC but is also bad in law because the respondent/defendant was permitted to withdraw admissions by way of the impugned amendment. It appears that the only ground on which amendment was allowed by the trial court is that counsel for the respondent/defendant obtained signatures of the



respondent/defendant without explaining the contents of the written statement. It is further submitted by learned counsel for petitioner that there is nothing on record to show if any action was taken by the respondent/defendant against the erstwhile counsel for the alleged misconduct. It is also submitted by learned counsel for petitioner that initially the respondent/defendant was proceeded *ex-parte* and subsequently he joined the proceedings on the same ground that he had been kept in dark by the erstwhile counsel.

3. Subject to petitioner taking steps within one week, notice through all modes be issued to the respondent, returnable on 18.03.2026 before Registrar.

4. Proceedings before the trial court shall remain stayed till next date.

GIRISH KATHPALIA, J

NOVEMBER 20, 2025/ry