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

+ CS(OS) 304/2018 with CCP (O) 55/2018 & IA Nos. 8219/2018,
13726/2018 & 13956/2018

SHIPRA ESTATE LIMITED

..... Plaintiff

Through: Mr. Sachin Datta, Sr. Advocate with
Mr. Jaspreet Singh Rai, Advocate

versus

SADHNA MEDIA NETWORK (P) LTD. & ORS. Defendants

Through: Mr. Ashok Kumar Singh, Sr.
Advocate with Mr. Arush Pathania,
Ms. Paromita Majumdar and Mr.
Ashutosh Ranjan, Advocates for D1
to D5
Mr. Rachit Mittal and Ms. Tanvi
Aggarwal, Advocate for D-6

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **12.11.2018**

IA No. 13726/2018

1. The plaintiff is seeking amendment of the plaint to make the following three amendments mentioned in para 4 of the application:-

(i) The correction of the head-note of the suit in which Order XXXIX Rule 1 and 2 read with Section 151 of Code of Civil Procedure has been wrongly mentioned.

(ii) To incorporate the verification to the plaint.

(iii) Page 120 of the documents marked as Annexure P-30 be read as part of the Annexure P-29.

2. Learned senior counsel for the plaintiff submits that the proposed



amendments are necessary for determining the real issues between the parties. It is submitted by learned senior counsel for the plaintiff that due to inadvertent mistake the proposed amendments could not be incorporated in the original plaint.

3. Learned senior counsel for the defendant nos. 1 to 5 do not oppose the correction of the head-note of the plaint as well as the incorporation of the verification clause. With respect to change of Annexure Number of the document at page-120 from Annexure P-30 to Annexure P-29, it is submitted that the defendants took a specific objection in the written statement with respect to this document and the proposed amendment should not be allowed.

4. Learned senior counsel for the plaintiff submits that the document at page-120 is part of the Annexure P-29 but due to inadvertent mistake, it was filed as part of the Annexure P-30.

5. This court is satisfied that the proposed amendments are relevant for determining the real issue between the parties. The suit is still at the initial stage.

6. The application is allowed and the amended plaint filed by the plaintiff is taken on record.

7. Learned senior counsel for the defendant nos. 1 to 5 submits that the plaintiff have made mis-representations in earlier plaint as well as in the proposed amendment. The defendants are at liberty to raise these objections in the written statement to the amended plaint.

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8. Let the written statement to the amended plaint be filed within four weeks. Replication, if any, may be filed within four weeks thereafter.

9. List for marking of the documents before the Joint Registrar on 22nd January, 2019 and for framing of issues as well as hearing the pending



applications before the Court on 07th February, 2019 at the end of the Board.

10. Interim order in terms of paras 4 to 6 of order dated 18th September, 2018 to continue till further orders.

J.R. MIDHA, J.

NOVEMBER 12, 2018

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