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

+ CS(OS) 395/2016, I.A. 9602/2016, I.A. 8929/2021, I.A. 1679-1680/2024

SH CHARANJIV SINGH GADH

..... Plaintiff

Through: Mr. Neeraj Grover, Mr. Nahir Malhotra, Mr. Kashish Sethi, Ms. Sunidhi Gupta, Ms. Ayushi Chandra and Ms. Ritu Kahandelwal, Advocates.

versus

SH SARABJIT SINGH & ORS

..... Defendants

Through: Mr. Kshitij Sharda, Advocate for D8.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **29.01.2024**

I.A. 8931/2021 (for amendment of the plaint)

1. The present application under Order 6 Rule 17 read with Section 151 CPC, that was filed on behalf of the plaintiff, is sought to be withdrawn, on the ground that the proposed amendment sought *vide* this application, has already been included in the subsequent application bearing I.A. 16615/2021 under Order 6 Rule 17 CPC.

2. Learned counsel on behalf of the defendant No. 8, has no objection to the withdrawal of the application except that he had filed a detailed comprehensive reply, which may be read in response to the subsequent amendment application *vide* I.A. No.16615/2021.



3. The present application is permitted to be withdrawn and disposed of accordingly.

I.A. 16615/2021 (for amendment of the plaint)

4. The present application under Order 6 Rule 17 read with Section 151 CPC, has been filed on behalf of the plaintiff for amendment of the plaint.

5. Learned counsel on behalf of the defendants, opposed this proposed amendment on the ground of limitation.

6. The amendment to add paragraphs 15A and 15B in the plaint, is hereby allowed. Further amendment is sought to incorporate sub-clause (v), (vi) and (vii) in paragraph 16 of the plaint, giving details of the sale deed, which are sought to be avoided, by way of the plaint.

7. Further amendment for incorporation of Paragraphs e (i), (ii) and (iii) is sought, after prayer clause (e) in Paragraph 29 to include the consequent prayers, on account of the amendments made by adding Paragraphs 15A and 15B.

8. The other amendments sought, is to include the name of defendant Nos. 1 to 4 and defendant Nos. 8 and 9 Mr. Kamal Arora respectively.

9. The plaintiff has also sought to add in Paragraph 9 about the factum of death of Smt. Daljeet Kaur w/o Late Sh. Ranbir Singh, on 30.11.2019, during the pendency of the suit, leaving behind plaintiff and defendant No. 5, as her Class I legal heirs. The plaintiff further seeks to add in Paragraph 10 that after the demise of Smt. Daljeet Kaur, the share of the plaintiff in the suit property stands enhanced to 1/8, for which he is entitled to seek a partition of the suit property. Similar amendments are sought in the various paragraphs to claim his share to be 1/8 of the properties. The proposed amendments about the change in share being on account of the death of Smt.



Daljeet Kaur therefore, are consequential to the subsequent events.

10. The proposed amendments in the plaint are hereby, allowed. The defendants are at liberty to take their objections to the amendments or being barred by limitation, in their written statements.

11. The amended plaint be filed within four weeks with an advance copy to the learned counsel for the defendants, who shall thereafter file their written statements, if any, to the amended plaint, within four weeks thereafter.

12. Be listed before the learned Joint Registrar for completion of pleadings and admission/denial of the documents on the date fixed i.e. 02.04.2024.

NEENA BANSAL KRISHNA, J

JANUARY 29, 2024/RS