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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 1101/2015

SUBHASH SALUJA

..... Plaintiff

Through: Mr. D.V. Khatri, Advocate.

versus

CHANDRA SHEKHAR & ORS

..... Defendants

Through: Ms. Anupama Kumar, Advocate for
defendants No.1 and 2.

Ms. Aditi Tyagi, Advocate for
defendant No.3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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19.05.2017

I.A. 21273/2015 in CS(OS) 1101/2015

Since the present application has already been allowed by the Joint Registrar on 07th October, 2015, Registry is directed not to show the present application as pending.

I.A. 4919/2017 in CS(OS) 1101/2015

Present application has been filed under Order VI Rule 17 CPC for amendment of the plaint.

Learned counsel for plaintiff states that it has been erroneously mentioned in the plaint that only Rs.1 crore had been paid to the defendants. He states that actually Rs.1,11,00,000/- had been paid to the defendants.



He contends that Rs.11,00,000/- had been paid by RTGS mode, but had not been inadvertently mentioned while filing the plaint.

Learned counsel for defendant No.3 has no objection to the present application being allowed.

Learned counsel for defendants No.1 and 2 states that the averments in the application are contrary to record.

It is settled law that correctness or falsity of a plea in an amendment application cannot be gone into at this stage. (See: ***Rajesh Kumar Aggarwal Vs. K.K. Modi, 2006 (4) SCC 385***).

Consequently, present application is allowed, subject to just exceptions and without prejudice to the defendants to take all their pleas and defences in their amended written statements. Rights and contentions of all parties are left open.

CS(OS) 1101/2015

The amended plaint is taken on record.

The defendants are permitted to file their amended written statements, if any, within a period of thirty days.

Replication, if any, be filed before the next date of hearing.

List the matter for framing of issues on 10th November, 2017.

I.A. 271/2017 in CS(OS) 1101/2015

Present application has been filed under Order VIII Rule 1A(3) CPC for placing on record additional documents.

Keeping in view the averments in the application and the fact that the plaint has been amended today, the documents filed by the defendants No.1 and 2-applicant are taken on record.

However, the defendants shall have to prove the genuineness of the



said documents in accordance with law.

With the aforesaid observation and direction, present application stands disposed of.

MANMOHAN, J

MAY 19, 2017

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