

\$~10

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

+ CS(OS) 3370/2014 with CRL.M.A. 37113/2019, I.A. 21905/2014

SATBIR SINGH Plaintiff

Through: Mr. N. Prabhakar & Mr.Dhruv
Sharma, Advocate.

versus

TEJVIR SINGH AND OTHERS Defendants

Through: Ms.Shweta Bharti, Mr.Shantanu
Malik, Ms.Nanki Arora &
Ms.Ananya Baislya, Advocates
for D-1.
Mr.Sandeep Khurana, Ms.Seemab
Ali Fatima, Advocates for
D-2 & D-3.
Mr. Swastik Singh, Advocate for
D-4 & D-5.
Mr. Rizwan, Advocate for GNCTD
with Mr.Apoorv Singhal,
Mr.Sameydeen, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **13.02.2020**

I.A. 13590/2019(Application under Order VI Rule 17 for seeking amendment of the written statement filed on behalf of the defendant no.1)

1. This is an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 for amendment of the written statement filed by defendant no.1.

2. In the amendment, the defendant no.1 has sought to incorporate pleading with regard to the mental capacity of the plaintiff, the status of

his next friend Mr. Tara Chand and has also challenged the maintainability of the suit for non-compliance under the provisions of Mental Health Act, 1987, the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 and the Delhi Land Reforms Act, 1954.

3. The suit is yet at a pre-trial stage and issues have not been framed. Although the written statement of defendant no.1 was filed on 24.07.2015, it is stated in the application that the pleadings sought to be incorporated now were inadvertently missed out. Learned counsel for the plaintiff states that the plaintiff has no objection to the application being allowed, subject to payment of costs.

4. Having regard to the nature of controversy between the parties and to the generally liberal approach of the Court with regard to amendment of pleadings at a pre-trial stage, as laid down by the Supreme Court *inter alia* in *Rajesh Kumar Aggarwal and Others vs. K.K. Modi and Others* (2006) 4 SCC 385, the application is allowed and the amended written statement is taken on record, subject to payment of costs of ₹10,000 to the plaintiff, through counsel.

CS(OS) 3370/2014

1. The written statement of defendant no.1 is taken on record by the above order. Replication to the written statement be filed within 15 days.
2. List before the Joint Registrar for admission/denial of documents and marking of exhibits on 12.03.2020.
3. List the suit alongwith pending application on 17.07.2020.

PRATEEK JALAN, J

FEBRUARY 13, 2020/ 'pv'
CS(OS) 3370/2014