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

+ **CS(OS) 13/2018**

KRISHNA NAGPAL AND ORSPlaintiffs

Through: Mr. Vivek Vidyarthi, Mr. S. Vidyarthi, Ms. Sarvagya Vidyarthi, Mr. Nischay Chowdhary, Mr. Vikram Bhaskar, Mr. Satvik Mathur and Mr. Yash, Advocates for P-3 & P-5

versus

SANJAY NAGPAL AND ORSDefendants

Through: Mr. Sanyat Lodha, Advocate for D-8 & D-9

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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21.03.2025

I.A. 7326/2025 (Under Order VI Rule 17 CPC for amendment of plaint)

I.A. 7327/2025 (for condonation of delay of 27 days in re-filing the IA No. 7326/2025)

1. I.A. No. 7326/2025 has been filed by plaintiff nos. 3 and 5 seeking amendment of the plaint.
2. Learned Counsel for the plaintiff nos. 3 and 5 states that the amendment stated in the application does not alter materially or substitute cause of action or the nature of claim sought in the plaint.
3. Learned counsel for defendant nos. 8 and 9 submits that the written statement to the suit already stands filed and filing of the application seeking leave to amend at this belated stage after six (6) years is unexplained.

CS(OS) 13/2018

Page 1 of 4



4. This Court has perused the application.

5. Perusal of the present application shows that no reason whatsoever has been stated in the application or submitted during the oral argument for seeking amendment. No explanation is furnished for seeking to amend the present plaint after 6 years.

6. Vide order dated 10.01.2024, the plaintiffs were directed to take steps for issuance of summons to defendants no. 6. Till date no steps have been taken to serve the said defendant. The matter is still pending at the stage of service of summons after six (6) years.

7. In **Revajeetu Builders and Developers vs. Narayanaswamy and Sons and Ors.** [(2009) 10 SCC 84] the Supreme Court has laid down the broad parameters for consideration of the applications for amendment of the pleadings as under: -

“63. On critically analyzing both the English and Indian cases, some basic principles emerge which ought to be taken into consideration while allowing or rejecting the application for amendment:

- (1) Whether the amendment sought is imperative for proper and effective adjudication of the case;
- (2) Whether the application for amendment is bona fide or mala fide;
- (3) The amendment should not cause such prejudice to the other side which cannot be compensated adequately in terms of money;
- (4) Refusing amendment would in fact lead to injustice or lead to multiple litigation;
- (5) Whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case; and
- (6) As a general rule, the court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application.



These are some of the important factors which may be kept in mind while dealing with application filed under Order 6 Rule 17. These are only illustrative and not exhaustive.

64. The decision on an application made under Order 6 Rule 17 is a very serious judicial exercise and the said exercise should never be undertaken in a casual manner. We can conclude our discussion by observing that while deciding applications for amendments the courts must not refuse bona fide, legitimate, honest and necessary amendments **and should never permit mala fide, worthless and/or dishonest amendments.”**

8. In the facts of this case, the applicant/plaintiffs have failed to furnish any ground for seeking the amendments prayed for. Having perused the said amendments, this Court is satisfied that the said amendments are not necessary for the purpose of determining the real questions in controversy between the parties. The application has been filed only by plaintiff nos. 3 and 5, whereas there are in all five plaintiffs in this matter. The plaint cannot be amended at the behest of two plaintiffs only. Moreover, this Court finds that the plaintiffs are not diligent in pursuing the suit and appear to be merely interested in keeping the same pending.

9. Considering the above and having regard to fact that no reasonable and imperative amendment is sought, this Court finds no merit in this application.

10. Accordingly, the captioned application is dismissed.

CS(OS) 13/2018

11. The matter is listed before the learned Joint Registrar (J) on 21.05.2025. The learned Join Registrar (J) is directed to summarize the status of service on the parties and the status of pleadings qua the parties who have been served. And, thereafter list the matter before this Court in July, 2025.



12. List before the learned Joint Registrar (J) on 21.05.2025 the date already fixed.

MARCH 21, 2025/MS

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any