

C.S. No. 32 of 2016.

12.04.2018. Present: Ms. Megha Kapoor Gautam, Advocate, for the plaintiff.

Ms. Rinki Kashmiri, Advocate, vice Mr. Neeraj Gupta, Advocate, for the defendant.

OMP No. 375 of 2017.

This application was filed in August, 2017.

Thereafter, numerous opportunities were granted to the respondents to file reply to this application, but till date, no reply has been filed. Therefore, right to file reply to this application is closed.

By way of this application, amendment in verification as well as affidavit in support of the plaint has been sought to cure the defect, so as to bring the verification as well as affidavit in support of the plaint, strictly in consonance with Order 6 Rule 15 of the Code of Civil Procedure. It is pleaded that omission on record has occurred under bonafide mistake, which is curable.

From the plaint, it is evident that in verification as well as affidavit, contents of paras 1 to 14 of the plaint have been verified to be true and correct to the personal knowledge and belief of the deponent/plaintiff and it has not been clarified that which of the paras of the plaint were verified on the basis of personal knowledge and which of the paras of the same were

verified on the basis of belief. Basis of such belief is also missing. Now, by way of proposed verification and affidavit in support of the plaint, it would be clarified that paras 1 to 7 and 13 of the plaint are true to the personal knowledge and contents of rest of the paras of the plaint are true on the basis of belief, based on legal information imparted to the plaintiff/applicant.

In the suit, replication stands filed, however, issues have not been framed so far. In my considered view, it would be in the interest of justice to allow the amendment. Accordingly, this application is allowed and the amendment as sought for, is permitted to be carried out by the plaintiff/applicant. Amended plaint alongwith amended verification and affidavit in support of the plaint is taken on record.

Registry to place it at appropriate place. The application stands disposed of.

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Written statement to the amended plaint be filed within three weeks. List thereafter.

April 12, 2018
(hemlata)

(Vivek Singh Thakur)
Judge

