

ITEM NO.8

COURT NO.11

SECTION IIIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Original Suite (s) No.2/2014

STATE OF U.P.

Petitioner(s)

VERSUS

GOVT.OF NCT OF DELHI & ORS.

Respondent(s)

(With appln.(s) for ex-parte stay, interim relief, amendment in
plaint, exemption from filing O.T., may refer to remarks,
impleadment, amendment in plaint, exemption from filing O.T. and
office report)

Date : 16/11/2016 This suit was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Ravi Prakash Mehrotra, Adv.
Mr. Abhinav Kr. Malik, Adv.
Mr. Ashutosh Kr. Sharma, Adv.

For Respondent(s) Ms. Pinky Anand, ASG
Mr. A.K. Panda, Sr. Adv.
Mr. S. Wasim Quadri, Adv.
Mr. R.K. Rathore, Adv.
Ms. Rekha Pandey, Adv.
Mr. Rajesh Ranjan, Adv.

Ms. Kiran Bhardwaj, Adv.
Mr. B.K. Prasad, Adv.
Mr. Gaurav Sharma, Adv.
Mr. Karan Seth, Adv.
Ms. Ranjana Narayan, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. Shadman Ali, Adv.
Mr. Gautam Sharma, Adv.
Mr. M.S. Siddiqui, Adv.
Ms. Sadhna Sandhu, Adv.
Ms. Shashi Kiran, Adv.

Ms. Rachana Srivastava, Adv.
Ms. Monika, Adv.
Mr. Sukrit R. Kapoor, Adv.

Mr. Vishnu Saharya, Adv.

Mr. Viresh B. Saharya, Adv.
M/s Saharya & Co., Adv.
Mr. D. S. Mahra, Adv.

Ms. Bushra Parveen, Adv.
Ms. Minali Deswal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. No.14/2014 - Application for striking out paragraphs 44
[sub-paragraphs 1 to 45 (sub-paragraphs A-F)
of sub-paragraph 45 of paragraph 44] from the
amended plaint

This application has been filed on the ground that the amendment which was sought in I.A. 11 of 2014 was restricted only to paragraph 1, paragraph 44 A-E and to amend prayer clause by adding clause (b) after clause (a) which was allowed by this Court vide order dated 25.11.2014. However, in the amended plaint which was filed, certain new paragraphs have been inserted without the leave of the Court.

Mr. Ravi Prakash Mehrotra, learned counsel for the respondent submitted that on the ground of an error committed by the then counsel of the plaintiff-petitioner, certain amendments which were inserted, were not sought for.

Be that as it may, a plaint can be amended only with the leave of the Court and only those amendment can be carried out, for which permission has been granted by the Court.

Admittedly, in the present situation, we find that except the amendment sought for in I.A. 11 of 2014, no other amendments have been allowed so far. In this view of the matter, the amended plaint which has been filed can contain only those amendments which have been allowed vide order of this Court dated 25.11.2014.

The rest of the amendments incorporated without the leave of the Court are liable to be deleted.

We order accordingly.

I.A. No.18/2016 - Application for amendment of the plaint

Shri Ravi Prakash Mehrotra, learned counsel submitted that the plaintiff-petitioner had also filed another amendment application being I.A. No.18 of 2016, seeking to amend the plaint in terms of the amendment already carried out without the leave of the Court. Learned counsel for respondent-defendant seeks three weeks' time to file a response in I.A. No.18 of 2016.

List this application in the second week of January, 2017.

(ASHA SUNDRIYAL)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER