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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  
RECORD OF PROCEEDINGS

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&#39;BLE MR. JUSTICE R.K. AGRAWAL

HON&#39;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.

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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.

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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