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SLP(C)No. 3878 OF 2001

ITEM No.208

Court No. 2

SECTION XIV  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.3878/2001

(From the judgement and order dated 05/09/2000 in CR 181/2000  
of The HIGH COURT OF DELHI AT N. DELHI)

ANIL GUPTA

Petitioner (s)

VERSUS

MADHU GUPTA

Respondent (s)

(With prayer for interim relief)  
( For Final Disposal )

Date : 24/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA  
HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. Jaspal Singh, Sr. Adv.  
Mr. Pramod Dayal, Adv.

For Respondent (s) Mr. Jayant Nath, Adv.  
Mr. B.C. Pandey, Adv.  
Mr. Rakesh K. Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I..T.....T.....T.....T.....T.....T.....T.....T.....J  
Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)  
Court Master

(Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 5681 of 2001@@  
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(Arising out of S.L.P. (C) No.3878 of 2001)

Anil Gupta ...Appellant (s)

Versus~

Madhu Gupta ....Respondent (s)

O R D E R@@  
CCCCCCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J

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Leave granted.

It is not necessary to go into details for it is not disputed that the order passed by the Additional District Judge on 16th November, 1999 goes beyond the scope of the application under Order VI Rule 17 of the Civil Procedure Code upon which it was passed for the reason that, in that application, there was no prayer for the impleadment of an additional defendant. This was, apparently, not noticed by the High Court in the revision petition filed against the order of the Additional District Judge. It, therefore, becomes necessary to confine the order dated 16th November, 1999 to the amendment of the plaint that was sought thereby.

The civil appeal is allowed. The order under challenge ...2/-

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is set aside. The order of the Additional District Judge dated 16th November, 1999 is modified to that extent that it permits Manisha Gupta to be added as a co-defendant. The order of the Additional District Judge is confined to the amendment sought by the application made on 14th July, 1999.

No order as to costs.

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.....J.  
(S.P. Bharucha)@@  
AAAAAAAAAAAAAAAA

.....J.  
(Y.K. Sabharwal)@@  
AAAAAAAAAAAAAAAA

.....J.  
(Ashok Bhan)@@  
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New Delhi,  
August 24, 2001.