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

+ **FAO(OS) 11/2016**

VINOD PURI

..... Appellant

Through: Mr Mohit Chaudhary and Ms Damini Chawla
versus

RAJ PURI & ORS

..... Respondents

Through: Mr G.L. Rawal, Sr Advocate with Mr Rajesh
Rawal for R-1 to R-3
Mr T.K. Ganju, Sr Advocate with Mr Aquib Ali
for R-4

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **12.01.2016**

CM No. 903/2016 (exemption)

The exemption is allowed subject to all just exceptions.

CAV 21/2016

The learned counsel for the respondent / caveator is present.

The caveat stands discharged.

FAO(OS) 11/2016

This appeal is directed against the judgment dated 02.12.2015 delivered by a learned Single Judge of this court in I.A No. 4929/2012 which was an application filed under Order VI Rule 17 CPC read with Section 151 of the Code of Civil Procedure, 1908. The said application was filed on behalf of defendant No. 2 Mrs Raj Puri who is the widow of Late Shri Y. D. Puri who expired on 25.11.2009 during the pendency of the suit. Although a detailed judgment has been delivered by the learned Single Judge, the same does not specifically indicate as to which portions of the proposed amendments have been allowed and which portions have been disallowed. It is well settled that one defendant can only file one written statement. That written statement may be amended with the permission of the court from time to time but it remains as one written statement.

On going through the impugned judgment it is not at all clear as what would be the final amended written statement inasmuch as the judgment does not specify as to which paragraphs, sub-paragraphs, sentences have been allowed by way of amendment and which have not. It is, therefore, very difficult for this Bench sitting in appeal to examine the contentions of the parties on merits, particularly so, because there is a dispute between the parties as to what has been allowed and what has not been allowed by way of amendment.

Therefore, we are remitting this matter to the learned Single Judge to specifically point out as to which portions of the proposed amendments have been allowed and which portions have not been allowed. We are, consequently, disposing of this appeal and direct that the matter be placed before the learned Single Judge who had delivered the said judgment in the first instance on 22.01.2016.

The learned Single Judge shall clearly indicate as to which portions of the proposed amendments have been allowed and which portions have not been allowed. On such clarification being obtained, it would be open to the parties to file an appeal if they are aggrieved therefrom including the grounds which have been taken by the appellant in the present appeal.

The appeal stands disposed of with the aforesaid liberty. We are making it clear that apart from what is stated above, we have not examined the merits of this appeal.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

JANUARY 12, 2016
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