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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 110/2016

VIJAY KUMAR & ANR

..... Petitioners

Through Mr.Sanjeev Sindhvani, Sr. Adv. with
Mr.Siddharth Aggarwal, Advocate.

versus

DR VARUN PRAKASH & ORS

..... Respondents

Through Nemo.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% 03.02.2016

C.M. No.3925/2016 (exemption)

C.M.No.3926/2016 (exemption)

Exemption is allowed subject to just exceptions. Applications disposed of.

CM(M) 110/2016 & C.M. No.3924/2016 (stay)

Petitioners are aggrieved by the impugned order dated 30.11.2015 vide which two applications – one filed by the tenants (petitioners before this Court) and the second one filed by the landlord (respondent before this Court) under Section VI Rule 17 CPC respectively had been disposed of.

The application filed by the landlord seeking amendment of his petition to bring on record certain subsequent facts which included his submission that the wife of petitioner no.(Dr.Varun Prakash) has separated from him had been permitted to be taken on record. The other amendments which are also permitted qua the application filed by the landlord are not relevant for the disposal of the present petition.

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They are not being discussed.

Learned senior counsel for the petitioners before this Court (tenants) submits that his application seeking amendment of his written statement had been allowed only in part and only that part which was to the effect that wife of petitioner no.1 had been separated from him has been permitted to be incorporated as an amendment. His submission is that a subsequent petition i.e. Eviction Petition bearing No.24/2013 titled Puneet Prakash Vs. Suresh Kumar Singhal & Anr. had been filed by respondent no.2 (Puneet Prakash) which contained certain relevant averments in para xvii of the said petition; and the averments made in that petition by Puneet Prakash are relevant and should have been incorporated as amendment as sought for by the tenants. This was however illegally disallowed. This Court has been informed that when this application was decided evidence of the petitioner/landlord was in progress and he was under cross-examination. The documents i.e. the record of the eviction case No.24.2013 titled Puneet Prakash Vs. Suresh Kumar Singhal & Anr. (since withdrawn on 24.12.2014) is permitted to be summoned by the tenants and certified copy of the said record may be confronted to the witnesses of the landlord/petitioner as and when need arises. This document being a part of the record may also be permitted to be relied upon by the tenants in the course of the further proceedings which may ensue thereafter. Petition disposed of.

INDERMEET KAUR, J

FEBRUARY 03, 2016

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