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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 282/2016

SUBHASH GUPTA

..... Petitioner

Through

Mr. Rajit Singh Sahni and Mr. Deep
Dhamija, Advs.

versus

RADHA RANI & ANR

..... Respondents

Through

None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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22.03.2016

C.M. No.10791/2016 & C.M. No.10792/2016

Exemption is allowed subject to all just exceptions.

Applications disposed of.

CM(M) 282/2016 & C.M. No.10790/2016 (stay)

The petitioner is aggrieved by the order dated 11.12.2015 wherein the application filed by the plaintiff under Order 6 Rule 17 of the CPC had been permitted; the Court had noted that in the original plaint M/s Ecko Electricals Pvt. Ltd was described as a tenant with Subhash Gupta as its director. In the course of the trial, the present application came to be filed by the plaintiff who had stated that due to inadvertence, he had stated the name of the tenant as Subhash Gupta, director of the company M/s Ecko Electricals Pvt. Ltd; submission in that application was that the tenant was in fact the M/s Ecko Electricals Pvt. Ltd. The Trial Court had noted that this is a typographical error and he accordingly allowed the amendment. The averments contained in the plaint have been perused. Paras 9 & 10 are clear and categorical. It is stated that the tenant is M/s

Ecko Electricals Pvt. Ltd. and was acting through its director Subhash Gupta.

Relevant would it be to note that this petition has been filed without relevant documents. A query has been put to the learned counsel for the petitioner as to where are annexures 'G' and 'H' which would have disclosed the identity of the tenant but the same have not been filed. However the averments contained in the plaint make the picture clear. It is clear that the tenant was actually M/s Ecko Electricals Pvt. Ltd. who was acting through its director Subhash Gupta. The Court had correctly noted that this was a typographical error and the amendments should have been allowed. The Court has acted wisely in its discretion.

Petition is without any merit. Dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

MARCH 22, 2016

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