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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1150/2013 & C.M. No.16846/2013**
AMIT CHAUDARY

..... Petitioner
Through Mr.S.N.Choudhri and Ms.Shruti
Choudhri, Advocates.

versus

BHOLA RAM

..... Respondent
Through Ms.Ripu Adlakha, Advocate.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **08.02.2016**

Order impugned before this Court is the order dated 14.8.2013 vide which the application filed by the petitioner/plaintiff seeking amendment of his application under Order VI Rule 17 CPC had been declined.

Record shows that the present suit is a suit for possession and mesne profit. This relates to the property no.15-A, Bapu Park, Kotla Mubarakpur, New Delhi. After framing of issues suit was settled for evidence to be filed by way of affidavit. Before the plaintiff entered into the witness box to tender his affidavit the present application has been filed. Initial amendment sought for by the plaintiff is that the suit property number was 15-A and not C-15; the other amendment is that the property had been purchased by the grandfather of the plaintiff in the name of the plaintiff's father; thereafter it has been transferred in the name of the plaintiff's father. In the un-amended

plaint the contention that after the grandfather the property was fallen to the share of the plaintiff. This application is clarificatory in nature. The third amendment is to the effect of factual narration that an inter se litigation was going on between the parties. Application was opposed.

Even before this Court, learned counsel for the respondent submits that these amendments if permitted would change the nature of the suit. This Court is not in agreement with the submission of the learned counsel for the respondent. The suit will essentially remain the same. It is only the property number which is to be changed and the submission qua the ownership of the plaintiff is also not going to be changed. In fact, it would be essentially a suit to adjudicate upon the possession and mesne profits. Question of limitation also remain open. Impugned order is accordingly set aside. Amended plaint is taken on record subject to payment of Rs.10,000/- as costs.

INDERMEET KAUR, J

FEBRUARY 08, 2016

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