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

+ CM(M) 1008/2016

RANI MISHRA

..... Petitioner

Through Mr.Amit Verma, Adv.

versus

ROSHANI SHARMA & ANR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

07.10.2016

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CM(M)1008/2016 & CM Nos.36750-36752/2016

1. By the present petition the petitioner seeks to impugn the order dated 20.09.2016 by which an application under Order 6 Rule 17 CPC for amendment of the plaint filed by the plaintiff/respondent was allowed.
2. I may note that in the present petition the petitioner has not filed any document other than the impugned order.
3. A perusal of the impugned order shows that the respondent has filed a suit for specific performance of a contract. By way of amendment an alternative prayer for recovery of Rs.16 lacs is sought to be added. The trial court noted that the amendment is formal in nature and in the form of an alternative prayer hence amendment is necessary for just disposal of the suit.
4. Learned counsel for the petitioner has impugned the order dated 20.09.2016 on the following grounds:-
 - (i) That the amount claimed is not what he has received and that

the petitioner is not liable to pay any such amount.

- (ii) He further submits that the pleadings in this case were completed in 2013 and now belatedly the present application has been sought to be filed
- (iii) He also relies on judgment of the Supreme Court in *Revajeetu Builders & Developers vs. Narayanswamy & Sons & Others, 2009(13) SCALE 241*.

5. None of the contentions raised by the petitioner has any merit. At the stage of consideration of the application for permission to amend the plaint, the merits of the averments sought to be added are not to be considered. Further, the nature of the amendment as rightly held by the trial court is necessary for determining all the questions in controversy between the parties.

6. There is no merit in the present petition. Same is dismissed. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

OCTOBER 07, 2016

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