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

+ **FAO(OS) 370/2016 & CM 46757/2016 & 46758/2016**

PREETI SEHGAL Appellant

Through Mr A Maitri, Adv.

versus

SARLA SEHGAL & ANR Respondents

Through None.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **20.12.2016**

This appeal is directed against the order dated 18.11.2016 passed by a learned single Judge of this Court whereby the learned single Judge has rejected the amendments which were earlier allowed by the insertion of paragraphs 30A to 30G in the plaint. The order dated 20.01.2016 passed in IA No.7861/2013 had also been recalled. By that order, further amendments were allowed in the plaint by introduction of paragraphs 29A to 29G. The learned single Judge has thereby rejected the IA No.7861/2013.

Essentially, the reasons for passing the order are that the appellant/plaintiff was required to pay deficient court fees on account of the said amendments which were introduced into the plaint and which had been allowed subject to the condition that the deficient court fees be paid. Since the deficient court fees had not been paid, the learned single Judge was left with no other option but to reject the amendments. The orders whereby the amendments were allowed specifically required the appellant/plaintiff to make good the deficient court fees. That has not been done.

Mr Maitri appearing on behalf of the appellant insists that the court fees has been paid and there is no deficiency. This has been negated by the learned single Judge not only in the impugned order but also in the earlier orders. The learned single Judge has considered the matter in detail and has quoted the earlier orders dated 18.10.2012 as well as 20.01.2016 which we need not reproduce for the sake of brevity. The sum and substance of the matter is that the appellant/plaintiff has not paid the deficient court fees which was occasioned by the introduction of the amendments in the plaint which had been allowed subject to the payment of deficient court fees. Since the appellant has not done so, we do not find any infirmity in the decision of the learned single Judge in rejecting the amendments. The amendments were in the nature of enhancing the claim of the appellant/plaintiff as certain monetary amounts have been claimed in addition to the original plaint.

We also find that the appellant/plaintiff has repeatedly filed applications to somehow or the other stultify proceedings in the suit. Even the present appeal, in our view, is misconceived. On an earlier occasion, an appeal had been filed against the order dated 20.01.2016 which, according to the learned counsel for the appellant, encompasses the order passed in IA No.7861/2013 also. That appeal was rejected by the Division Bench by an order dated 30.05.2016. The special leave petition preferred by the appellant before the Supreme Court was also dismissed as withdrawn. Once that order has attained finality, it was not open to the appellant to re-agitate the same issues over and over again.

Consequently, the appeal is dismissed with costs of Rs.25,000/-.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

DECEMBER 20, 2016/ab