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

+ CM(M) 41/2017 & CM Nos.1280-1281/2017

SAVITA GARG Petitioner
Through Ms.Amita Singh Kalkal and
Mr.Prashant Singh, Advocates

versus

SARITA GUPTA Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **13.01.2017**

By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 22.11.2016 by which an application under Order 6 Rule 17 CPC to amend the written statement was dismissed.

A perusal of the application of the petitioner shows that he seeks to add to paragraph 8 of the written statement as follows:-

“However plaintiff is totally silent about this fact that whether she gave the aforesaid cheque to the applicant/defendant on the understanding stated above and as such copy of the cheque is being annexed herewith for kind perusal of this Hon’ble court and may be read as part and parcel of this application as well as pleading.”

It is manifest that the addition which is sought to be made to the written statement does not in any manner further the case of the petitioner. On the contrary, it is an attempt to place on record a copy of the cheque which is in issue. It was for the petitioner to have filed an appropriate

application to place this additional document on record instead of having filed the present application under Order 6 Rule 17 CPC.

Granting leave and liberty to the petitioner to move an appropriate application to place the document on record, the present petition is dismissed. In case such an application is filed by the petitioner the trial court may deal with it as per law. All pending applications also stand disposed of.

JAYANT NATH, J

JANUARY 13, 2017

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