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

+ CM(M) 641/2016

NARESH GUPTA

..... Petitioner

Through: Mr.Sanjay Goel, Mr.Praveen Kumar
& Ms.Jasneet Kaur, Advocates with
Petitioner in person.

versus

VISHAL OPTICS

..... Respondent

Through: Mr.Amit Kumar Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

12.05.2017

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1. By way of this petition, the petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India impugning the order dated 12th February, 2017 passed by learned ADJ, in case No.77/2014, whereby the application of the petitioner under Order VI Rule 17 CPC, seeking amendment of the plaint has been dismissed.

2. With the consent of the parties the impugned order dated 12th February, 2016 is set aside and the application of the petitioner seeking amendment of the plaint in terms of the para 7 of the application under Order VI Rule 17 CPC (Annexure C) and to place on record the six documents referred to in para 5 of this application is allowed, subject to the following terms and conditions:

(i) The petitioner/plaintiff is allowed to amend the plaint as mentioned in para 5 & 7 of the application under Order VI Rule 17 CPC subject to the cost of Rs.25,000/-.

- (ii) The cost shall be paid within two weeks to Mr.Alok Kumar, learned counsel for the respondent.
 - (iii) Amended plaint along with six letters referred to in para 5 of the application shall be filed by the petitioner/plaintiff after paying the cost to the learned counsel for the respondent which shall be taken on record by the learned Trial Court.
 - (iv) The respondent herein shall be given one opportunity to file the written statement to the amended plaint restricted to the para added by way of amendment.
 - (v) In case the petitioner fails to pay the cost within two weeks from the date of this order, the petition shall stand dismissed.
3. It is informed by learned counsel for the parties that the matter is listed before the learned Trial Court on 12th July, 2017.
 4. Copy of the order be given dasti to the learned counsel for the parties, as prayed and also be sent to the concerned Court for information and compliance.
 5. The petition is disposed of in the above terms.

CM No.23950/2016 (stay)

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 12, 2017
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