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

+ C.R.P. 40/2017

AMIT GOEL

..... Petitioner

Through Mr.Amaresh Kumar Jha, Advocate

versus

S CHAND & CO PVT LTD

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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20.02.2017

CM No.6483/2017

Exemption allowed, subject to all just exceptions.

CM No.6482/2017

For the reasons stated in the application the delay of 30 days in re-filing the present petition is condoned. Application is disposed of.

C.R.P. 40/2017

1. By the present petition under section 115 of the CPC the petitioner seeks to impugn the order dated 24.10.2016 by which his application under Order VI Rule 17 CPC was dismissed.
2. The petitioner has filed a suit for declaration and mandatory injunction. He was employed with the respondent and his services stood terminated. He sought a decree of declaration declaring the termination letter dated 8.10.2015 as arbitrary, illegal and void. He also sought a decree of mandatory injunction to direct the respondent to provide consequential relief.
3. By the present petition for amendment the petitioner seeks to add the relief to the original plaint by also seeking a decree of damages/losses

suffered due to arbitrary and illegal termination of his services.

4. The trial court noted that though by the present amendment application the petitioner seeks to add the relief of damages/losses suffered by the alleged arbitrary and illegal termination of his services, the petitioner has not quantified the damages for the purpose of court fee and jurisdiction. Noting this to be a material defect it dismissed the application. I may, however, note that the trial court has given liberty to the petitioner to move appropriate application.

5. Perusal of the amendment application would show that what the petitioner wants to add to the prayer clause is the relief of a decree of damages/losses suffered by petitioner due to the arbitrary and illegal termination of his services. The damages are not quantified. It is obvious that in the absence of quantification, issues of pecuniary jurisdiction of the court would arise. Even otherwise, a relief as prayed for would be vague as it is for the petitioner to quantify the damages which according to him he has suffered and to prove the same.

6. I see no reason to interfere with the impugned order. This is especially so as the impugned order has given liberty to the petitioner to move an appropriate application. Hence, the trial court was aware about the deficiencies in the application for amendment and has permitted the petitioner to file an appropriate application rectifying the defect.

7. Petition is dismissed. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

FEBRUARY 20, 2017

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