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

+ CM(M) 191/2017

VIRENDER NEHRA Petitioner
Through Mr.Swastik Singh, Advocate

versus

ANJU SINGHAL Respondent
Through Mr.Sanjay Sehgal, Advocate

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
02.03.2017

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CM No.6265/2017 (exemption)

Exemption allowed , subject to all just exceptions.

CM(M) 191/2017 & CM No.6264/2017 (stay)

1. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 6.10.2016 by which the application for amendment of the written statement filed by the respondent was allowed.

2. The petitioner has filed a suit for specific performance and permanent injunction of alleged agreement to sell dated 27.12.2011 pertaining to the suit property No.RAR-1A (Basement), Plot No.50, B-1, Block Community Centre, Janakpuri, New Delhi. The respondents/defendants have in the written statement taken the plea that none of the documents relied upon by the petitioner were signed and that there is no agreement to sell between the parties.

3. By the impugned order the trial court noted that the defence which is sought to be added by the respondent is only an extension of the defence and that no new defence is sought to be set up. The amendment application was allowed subject to costs of Rs.8,000/-.

4. I have heard arguments of learned counsel for the parties. It is manifest that the amendments which are now sought to be added are sought to be added after report from CFSL has been received. The report was in fact sought by order of the trial court itself. It is clear that these amendments are based on subsequent developments after filing of written statement. Accordingly, there is no infirmity in the impugned order allowing the said written statement.

5. At this stage, learned counsel appearing for the petitioner points out to the proposed paragraph 8 of the written statement which he submits would mean withdrawal of an admission made by the respondent.

6. After some arguments, learned counsel appearing for the respondent agrees that he will not amend paragraph 8 of the written statement and that the original paragraph 8 of the written statement would continue to remain in the written statement.

7. Subject to the above modification in the application for amendment as agreed upon by the learned counsel for the respondent pertaining to paragraph 8 of the written statement, there are no reasons to interfere in the impugned order. Petition is accordingly disposed of. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

MARCH 02, 2017

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