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

+ CM(M) 1001/2017

PREM KUMAR DUA

..... Petitioner

Through: Mr. Y.P. Narula, Sr. Adv. with Mr.
Abhey Narula & Ms. Tara Narula,
Advs.

Versus

K A BUILDERS & PROMOTERS & ANR Respondents

Through: Mr. Vivekanand, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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10.10.2017

1. This order is in continuation of the earlier order dated 12th September, 2017.
2. The counsel for the respondent No. 1 appears.
3. The senior counsel for the petitioner and the counsel for the respondent No.1 have been heard at length.
4. However, considering the facts and circumstances, I have proposed to the counsel for the respondent No.1 that the amendment be allowed subject to the respondents being compensated with costs.
5. After some persuasion, the counsels are agreeable.
6. Accordingly, subject to the petitioner / defendant / counter claimant paying costs of Rs.5 lakhs, the petition is allowed and axiomatically the impugned order dated 14th January, 2016 in Suit No.19/2015 of the Court of Additional District Judge -08, Central District, Tis Hazari Courts, Delhi dismissing the application of the

petitioner/defendant/counter claimant for amendment of the counter claim is set aside and the application for amendment is allowed.

7. Out of the costs of Rs.5 lakhs, Rs. 1 lakh be paid to the counsel for the respondent No.1 and the balance Rs.4 lakhs be paid to the respondent No.1/plaintiff.

8. The costs to the counsels for the respondents be paid by 25th October, 2017 and the costs to the respondent No.1 be paid by 25th November, 2017.

9. The petition is disposed of.

10. This order though dictated in open court remained to be released and is now being released on 27th January, 2018.

11. Accordingly it is directed that the entire costs of Rs.5 lakhs as aforesaid be paid on or before 5th February, 2018.

RAJIV SAHAI ENDLAW, J

OCTOBER 10, 2017

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