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

+ FAO(OS) 251/2017 & CM Nos. 33463, 33465, 33574/2017

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Date of decision : 13th December, 2017

NANDINI PATTANI & ORS

..... Appellants

Through : Mr. Jeevesh Nagrath and
Mr. Amitabh Chaturvedi, Advs.

versus

MADHURI HINGORANI

..... Respondent

Through : Mr. Divyanshu Goyal and
Ms. Shikha Sinha, Advs.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. The appellant assails the order dated 25th July, 2017 passed in CS(OS) No. 529/2016 (page 56) contending that without their being any application for amendment of the plaint, the learned Single Judge deemed it appropriate to allow the plaintiff/respondent to amend the plaint within four weeks.
2. It is further complained that the plaint as laid before the court was incoherent.
3. It has been contended by the respondent/defendant that by an order dated 17th April, 2017 passed in the suit, the learned Single

Judge had directed the parties to be present for recording the statement under Order X Rule 2 of the Code of Civil Procedure.

4. Learned counsel for the respondent submits that in view of the fact that the respondent has filed a substantive application under Order VI Rule 17 of the CPC praying for amendment of the plaint, he would not oppose setting aside of the order dated 25th July, 2017 without prejudice to his rights and contentions in the said application.

In view of the above submission to the extent it permits amendment of the plaint, the order dated 25th July, 2017 is hereby set aside and quashed.

5. As a consequence, the order dated 17th April, 2017 would require to be complied with so far as the direction for appearance of the parties for recording their statement under Order X of the CPC is concerned.

6. The appeal and the applications are disposed of in the above terms.

7. We make it clear that we have not hereby expressed any opinion on the merits of the contentions of the respondent; the prayer for amendment of the plaint; or the appellant's objections premised on the incoherence of the plaint.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 13, 2017/kr