

\$~6

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

+ CM(M) 151/2014

DR KUMAR RAKESH

..... Petitioner

Through: Mr. Satish Sahai, Mr. Deepak K. Sharma, Advocates with Petitioner in person.

versus

SMT BALWANT KAUR & ORS

..... Respondents

Through: Mr. S.N. Gupta, Mr. Abhishek Vashisht and Mr. Satvik Bajaj, Advocates for Respondent/Defendant No.4.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **20.04.2018**

The petitioner is the plaintiff of the suit (Suit No.88/2005) in which the impugned order dated 07.11.2013 was passed dismissing his application for amendment of the plaint under Order 6 Rule 17 of the Code of Civil Procedure, 1908 primarily to amend the prayer clause (b), as per the submissions, in an endeavour to bring it in accord with the law declared by the Supreme Court in *Durga Prasad and another v. Deep Chand and others* AIR 1954 SC 75 (Vol. 41 C.N. 22) and *Seenivasan vs Peter Jebaraj & Anr. JT 2008 (6) SC 198*.

The Trial Court has dismissed the said application which view is under challenge by the respondents. During the course of hearing, the learned counsel for the 4th respondent, the 4th defendant before the Trial

Court, the proposed amendment being directed essentially against him, submitted that the modification of the prayer clause (b) was wholly unnecessary, the application being frivolous inasmuch as the prayer qua him is covered by existing prayer clause (a), as per the amended plaint since 2006. On this submission being made, the learned counsel for the petitioner submits that he does not press for any direction in the matter and may be permitted to withdraw the petition.

The petition is dismissed as withdrawn.

R.K.GAUBA, J.

APRIL 20, 2018

Rekha