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

\+ CM(M) 1242/2018 & CM No.42408/2018

MAN MOHAN

..... Petitioner

Through Mr. Harsh Kumar, Advocate

versus

AMRAVATI ..... Respondent

Through

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

O R D E R

% 10.10.2018

CM APPL.42409/2018(Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CM(M) 1242/2018 & CM APPL 42408/2018

Vide the present petition, the petitioner assails the impugned order dated 05.04.2018 of the learned Trial Court in CS No.160/18 whereby it is indicated at the outset itself that the notice of the suit had then yet to be issued to the defendant i.e. the present petitioner herein and that subsequent to the application under Order VI Rule 17 of the CPC that had been filed had been allowed with the amended plaint having been taken on record, summons of the amended plaint were directed to be issued to the defendant on taking of steps i.e. the present petitioner.

The petitioner submits that the said amendment out not to

have been allowed and that the said amendment has been allowed after the defendant i.e. the present petitioner had respondent to a legal notice that had been issued on behalf of the plaintiff prior to the institution of the amended plaint and after receipt of summons in the said suit i.e. CS No.160/18 that has been filed by the defendant i.e. the petitioner herein.

Be that as it may, it is apparent that the present petitioner vide the impugned order dated 05.04.2018 summons of settlement of issues of the amended plaint and had never been served with the original plaint as it existed. The defendant to the said suit CS 160/18 who had not even been summoned till the date of the impugned order, apparently had no locus to contend that the amended plaint would not be taken on record.

The present petition and accompanying application are thus declined.

ANU MALHOTRA, J

OCTOBER 10, 2018/NC