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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1437/2018**
MULAI @ CHHOTU

..... Petitioner

Through : Mr.J.S.Mann, Advocate.

versus

VINOD KUMAR

..... Respondent

Through : NEMO.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **28.11.2018**

CM APPL.49572/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 1437/2018, CM APPL.49571/2018

This petition challenges the order dated 20.09.2018 passed by the learned Trial Court whereby an application of the petitioner/defendant under Order VI Rule 17 CPC for amendment in the written statement was dismissed.

The learned counsel for the petitioner has referred to the amendment application (page No.74 of petition) and submits that he only intended to add certain paragraphs *qua* the valuation of the suit property and also he has become an owner of this premises by way of adverse possession.

Needless to say these grounds were available with the

petitioner on the very first day when he filed the written statement. Rather his plea was he is a joint owner of the property, but the learned Trial Court had referred to a document Ex.*PW1/1* which shows the title of property in favour of the respondent. Even otherwise, the suit is at the stage of recording defendant's evidence. It is not the case of the petitioner the facts he intend to incorporate has now come to his knowledge and hence the impugned order suffers from no infirmity.

Accordingly, the petition along with pending application stands dismissed.

YOGESH KHANNA, J.

NOVEMBER 28, 2018

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