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

+ **FAO(OS) 193/2018 & CM. Nos. 53011/2018, 53012/2018 and 53013/2018**

KRISHNA KALRA ANR Appellants
Through: Mr. Rajesh Yadav and Mr. Neeraj
Yadav, Advs.

versus

MUNISH KALRA Respondent
Through:

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **19.12.2018**

CM. No. 53012/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CM. No. 53013/2018 (for delay)

This is an application filed by the applicant / appellant seeking condonation of 7 days delay in filing the appeal. For the reasons stated in the application, delay of 7 days in filing the appeal is condoned.

Application stands disposed of.

FAO(OS) 193/2018

The challenge of the appellants in this Intra-Court Appeal is to the order dated 31st October, 2018, whereby the learned Single Judge has

allowed the IA No. 7700/2017 filed under Order 1 Rule 10 CPC and application of the respondent herein seeking amendment of the plaint in IA No. 7701/2017 filed under Order VI Rule 17 CPC.

Mr. Rajesh Yadav, learned counsel for the appellants would submit that Mr. Virendra Madan is not concerned with the *inter se* dispute between the appellant and her son and as such he could not have been impleaded in the suit. That apart, it is his submission that the amendment in the prayer clause allowed by the learned Single Judge to the extent of declaration and rendition of accounts changes the nature of the case itself. He states, the respondent could not have sought for such an amendment in the suit as he has no right on the money, which is being deposited in the account of the appellant herein.

We are unable to accept the plea of Mr. Yadav for the reason that the respondent herein had sought the impleadment and the amendment of the prayer clause in the suit with an allegation that Kiran Madan and her husband Virendra Madan are withdrawing huge sums of money from the account of the appellant and creating fixed deposits in their own favour. If that being the reason for the learned Single Judge to allow the impleadment and the amendment, we do not see any reason to interfere with the impugned

order. The appeal is dismissed.

CM. No. 53011/2018 (for Stay)

Dismissed as infructuous.

CHIEF JUSTICE

V. KAMESWAR RAO, J

DECEMBER 19, 2018/jg