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

+ **FAO(OS) 242/2019**

SHASHI KHANNA

..... Appellant

Through: Mr.Sangram Patnaik, Ms.Swayam
Sidha and Mr.Rajiv Gupta,
Advocates.

versus

VEENA SURESH KAPOOR & ORS

..... Respondent

Through: None.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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02.12.2019

CM APPL. 51644/2019 (exemption)

1. Allowed, subject to all just exceptions.

FAO(OS) 242/2019 and CM APPL. 51643/2019 (stay)

2. Defendant No.1 in CS (OS) 236/2010 is the Appellant before this Court aggrieved by an order dated 1st October, 2019 passed by the learned Single Judge allowing IA No.14315/2016 being an application by the Plaintiff (Respondent No.1 herein) under Order VI Rule 17 CPC seeking to amend the plaint.

3. The amendment sought was with respect to the valuation paragraph of the partition suit where what was mentioned was the circle rate of the property. Nevertheless, the last sentence of the para sought to be inserted by this

amendment states ‘the Plaintiff undertakes to pay further Court fee, if any, payable and directed to be paid by this Hon’ble Court.’

4. Having heard the learned counsel for the Appellant and having examined the order of the learned Single Judge, the Court is unable to find anything in the said amendment which could be said to be prejudicial to the Appellant/Defendant No.1. Needless to state, what the market value of the property in question would be at the relevant point of time is a matter for evidence, which will be led by the parties on the issue, as rightly observed by the learned Single Judge.

5. No grounds have been made for interference. The appeal is dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 02, 2019

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