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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CM(M) 216/2017, CM APPL.No. 7089/2017  
RAMDASS

..... Petitioner

Through : Mr.Ajay Sharma, Advocate

versus

LAXMI DEVI & ORS

..... Respondent

Through : Ms.Anju Thomas, Advocate for R-2

**CORAM:**  
**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

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**14.05.2019**

This petition is against an order dated 23.12.2016 whereby an application under Order 6 Rule 17 CPC moved on 07.12.2016 to amend the written statement, filed in the year 2010, was allowed. In para 2,3 and 5 of the said written statement, it was alleged the suit property was purchased by one Bakhtawar Singh but whereas in the amendment application it was alleged the property was purchased by Laxmi Devi wife of Bakhtawar Singh. The learned trial court has dealt with the application and has rightly come to the conclusion the nature of defence of defendants would not get changed or altered by the proposed amendment as their defence would remain the same that they are the owners in possession of the suit property. Moreover as noted, during cross-examination of PW1 and PW4 the suggestion has already been made that suit property was purchased by Laxmi Devi

from PW4. Thus, the defendants by way of amendment would not create a new defence to the suit, hence there is no illegality in the impugned order.

The petition is thus dismissed. The pending applications are also disposed of.

**YOGESH KHANNA, J.**

**MAY 14, 2019**

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