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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 613/2016

SMT SHAKUNTALA RANA & ANR

..... Plaintiff

Through Ms. Deepika, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Defendant

Through Mr. Ajjay Aroraa & Mr. Kapil Dutta,
Adv. for NDMC

Mr. T. S. Nanda, Adv. for D-2

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% 30.04.2019

IA No.5093/2019 u/O VI R 17 CPC moved by plaintiff

Learned counsels for defendant no.1&2 are present and submit that reply to the captioned IA has already been filed by defendant no.2 and both the defendants are relying upon the same. It is stated in the reply that no cause of action is disclosed qua defendant no.2 in the present suit, however, the captioned IA is for amendment of pleadings u/O VI R 17 CPC. Learned counsel for defendant no.2 submits that he will take appropriate steps in regard to his grievance that no cause of action is disclosed qua defendant no.2 and will file appropriate application as per law. Learned counsel is at liberty to proceed as per law. It is also now stated that defendants have no objection to the captioned IA. Even otherwise, through the captioned IA, the plaintiff is seeking to correct the valuation of the suit and as such no prejudice would be caused to the defendants, in case the captioned IA is allowed.

Through the captioned IA, the plaintiff is seeking amendment in para no.26 of the plaint by correcting the valuation of the suit. Originally, the suit had been valued for Rs.6,03,10,000/-. It is stated that same has been incorrectly calculated as the proposed income of the deceased has been calculated as Rs.10,02,00,000/- instead of Rs.01,02,00,000/-. The amendment sought is formal in nature, whereby only the inadvertent mistake in calculation is sought to be corrected. Accordingly the captioned IA is disposed as allowed. Amended plaint is taken on record. IA stands disposed of.

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Written statement on behalf defendant no.1 is already on record and right of defendant no.2 to file written statement has already been closed. It is stated by learned counsel for defendant no.1 that no fresh written statement to the amended plaint is required to be filed.

It is stated that the matter is to be transferred to Hon'ble District & Sessions Judge, North District, Rohini Courts, Delhi in view of notification no.27187/DHC/Orgl. Dated 24.11.2015. Accordingly at request, the matter is transferred. Parties are directed to appear before the Court of Ld. District and Session Judge (North District), Rohini Courts, Delhi on 19.07.2019 at 10.00 a.m.

**SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

APRIL 30, 2019/ab