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

+ **CM (M) 177/2020**

KULDEEP KATARIA

..... Petitioner

Through: Mr. Narendra Sharma, Advocate.
(M:9212545556)

versus

ARUN THAKUR

..... Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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12.02.2020

CM APPL. 5627/2020 (exemption)

1. Allowed, subject to all just exceptions. Application is disposed of.

CM (M) 177/2020 & CM APPL. 5626/2020 (stay)

2. Advance copy of the petition is stated to have been served upon the Respondent, however, none appears for the Respondent.

3. The present petition challenges the impugned orders dated 3rd April, 2019 and 16th October, 2019 by which the amendment sought by the Petitioner/Plaintiff (*hereinafter 'Plaintiff'*) in the plaint has been rejected by the Trial Court. The amendments sought by way of the application under Order VI Rule 17 CPC are in paragraphs 4, 5, 8 & 9. In paragraph 4, the Plaintiff merely seeks to correct a grammatical error. In paragraph 5, some further facts are sought to be added. In paragraphs 8 & 9, the typographical error in the cheque number is sought to be amended. The Trial Court, however, has concluded that the said amendments shall alter the cause of action. The conclusion of the Trial Court reads as under:

“7. It is on record that the plaintiff filed the present application after taking of objections by the defendant in respect of particulars of promissory note, cheques and date of loan etc. The court is of the view that proposed amendment shall alter and be a substitute for the cause of action on the basis of which the original lis was raised; proposed amendments shall cause prejudice to the defendant which cannot be compensated by means of costs resulting in defeating a legal right to the defendant.”

4. A perusal of the amendment application shows that the Plaintiff is merely seeking correction of a grammatical error in paragraph 4 and typographical errors in the cheque numbers in paragraphs 8 & 9. Accordingly, the amendments sought in paragraphs 4, 8 & 9 are allowed. They do not change the cause of action in any manner whatsoever.

5. Insofar as the amendment in paragraph 5 is concerned, the amendment seeks to expand on some facts in respect of the promissory note. The amendment in paragraph 5 is disallowed. The same can be adduced by way of evidence, if the same is permissible in accordance with law.

6. The present petition along with the pending application is disposed of in the above terms.

PRATHIBA M. SINGH, J.

FEBRUARY 12, 2020/dk