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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 14.09.2023*

+ CM(M) 1492/2023

SUDESH CHHIKARA & ANR. Petitioners

Through: Mr. Jaipal Singh, Advocate.

Versus

ANITA DAHIYA & ORS. Respondents

Through: Mr. Vikas Yadav, Advocate.

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CORAM:**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****J U D G M E N T****MANMEET PRITAM SINGH ARORA, J (ORAL):**

1. The present petition has been filed under Article 227 of the Constitution of India seeking the relief (i) to take the written statement dated 18.03.2023 filed by Respondent No. 1 to 3 off the record and (ii) further allow the Petitioners herein to amend the plaint consequent to the impleadment of defendant nos. 4 and 5 in the suit i.e., Civ. DJ 798/2019 titled as **Sudesh Chhikara and Anr. Vs. Anita Dahiya and Ors** pending before the Additional District Judge - 02, West District, Tis Hazari Courts, Delhi ('Trial Court').

2. The Petitioners herein are the plaintiffs and the Respondents are the defendants in the civil suit. The civil suit has been filed by the Petitioners herein for Declaration, Possession, Mesne Profits and Permanent Injunction



on 31.10.2019.

3. After some arguments learned counsel for the Petitioners herein seeks to limit his relief only for being permitted to amend the plaint in view of the impleadment of defendant nos. 4 and 5.

3.1. He states that the Trial Court *vide* order dated 31.05.2023 allowed the application filed by the plaintiffs under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (CPC) and impleaded defendant Nos. 4 and 5.

3.2. He states that in the facts of the case it is necessary to carry out amendments in the plaint to duly refer to defendant Nos. 4 and 5 in the plaint as per their rank and in this regard, he relies upon Order 1 Rule 10 (4) of the CPC.

4. The learned counsel for the Respondents enters appearance on behalf of all the defendants. He states that he has no objection to the amendment being carried out in compliance of Order 1 Rule 10(4) CPC.

4.1. He states that the amended written statement on behalf of defendant Nos. 1 to 5 already stands filed before the Trial Court. The said statement is taken on record.

5. With the consent of the parties the petition is disposed of with the following directions: -

5.1. The Petitioners are at liberty to file the amended plaint in terms of Order 1 Rule 10 (4) CPC, within a period of two (2) weeks from today after serving an advance copy to the learned counsel for the Respondents.

5.2. After amended plaint is filed by the plaintiffs, in case, the defendants deem it necessary to file any additional written statement, they shall seek liberty from the Trial Court in this regard and the said relief will be considered by the Trial Court in accordance with law.



6. The learned counsel for the Petitioners does not press for any further relief in these proceedings.
7. Accordingly, the present petition is disposed of. Pending Applications, if any, stands disposed of.

MANMEET PRITAM SINGH ARORA
(JUDGE)

SEPTEMBER 14, 2023*/mr/ms*

Click here to check corrigendum, if any