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

% Judgment delivered on: 16.02.2023

+ CM(M) 1423/2022 & CM APPL. 54751/2022

BAKSHISH SINGH

..... Petitioner

versus

SUNIL KUMAR VERMA

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Nikhil Malhotra, Advocate.

For the Respondent : Mr. Shyam Lal, Advocate.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. The petitioner has challenged the order dated 24.11.2022 whereby the application under Order VI Rule 17 CPC, 1908 (in short "CPC") seeking amendment with respect to three letters to be inserted in paragraph 25 of the plaint in regard to valuation of the suit, was dismissed by the learned Trial Court.

2. Mr. Nikhil Malhotra, learned counsel for the petitioner submits that the requisite averments in respect of the amendment sought to be made are already contained in paragraph 25 of the plaint and therefore

no prejudice would be caused to the respondent in case the three words “*court fee and*” are permitted to be inserted in paragraph 25.

3. *Per Contra*, Mr. Shyam Lal Sharma, learned counsel for the respondent submits that the learned Trial Court has applied its mind rightly to the application under order VI Rule 17 CPC and has rightly dismissed the said application vide the impugned order. Learned counsel supports the reasoning of the learned Trial Court in the impugned order.

4. Mr. Sharma also submits that the suit is at the stage of final hearing and both the parties have already submitted their written submissions in support thereof and submits that this is not the stage where such amendments ought to be permitted to be carried out.

5. This Court has considered the submissions made learned counsel for both the parties as well as perused the impugned order. This Court has also perused paragraph 25 of the plaint which deals with the valuation of the suit for the purpose of jurisdiction. It is apparent from the perusal of the said paragraph 25 that the Court fee in respect of relief of possession and declaration, has been paid in full and the addition and insertion in paragraph 25 of three words “*court fee and*” would not prejudice the case of the respondent in any manner whatsoever.

6. In view of the above, the impugned order dated 24.11.2022 passed by the learned Trial Court dismissing the application under Order VI Rule 17 CPC is quashed and set aside.

7. The petitioner/plaintiff is permitted to amend paragraph 25 of the plaint only to the extent indicated above. It is informed that the amended plaint has already been filed and is on record of the learned

Trial Court. Learned Trial Court is directed to take on record the amended plaint as filed by the petitioner/plaintiff and proceed to hear the final arguments without any impediment.

8. The respondent/defendant is permitted to take all and any objection and other contentions in respect of the amendment as allowed during the final hearing of the suit.

9. The learned Trial Court shall proceed in accordance with law for disposal of the suit.

10. With the aforesaid directions, the petition and pending application stand disposed of with no order as to cost.

TUSHAR RAO GEDELA, J.

FEBRUARY 16, 2023

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