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

+ **CM(M) 92/2024 & CM APPL. 2696/2024 (Stay)**

**M/S KHAN SONS JAVED AND SALEEM KABABS PVT. LTD.
AND ORS**

.....Petitioners

Through: Mr. R. K. Trakru, Mohd. Sajid, Mr.
H. C. Vashisht, Ms. Bela Khattar &
Mr. Amir Mohd. Advs.

versus

ROHTASH JAISWAL AND ANRRespondents

Through: Mr. Manohar Malik, Adv

**CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER
10.12.2024**

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1. The petition impugns the order dated 17.11.2023 whereby the application filed by the petitioner under Order VI Rule 17 CPC seeking amendment of the written statement and supplementary application for permission to add one more sentence in the proposed written statement and counter claim, was dismissed by the learned Trial Court vide order dated 17.11.2023.

2. The Court takes note of the statement made by learned counsel for the respondent made before this Court on the last date i.e. 22.10.2024 to the effect that he would have no objection if the present petition is allowed and the petitioner herein is permitted to amend his written statement, subject to imposition of cost. Learned counsel submits that the said statement was



made in order to avoid any further delay of the suit filed by the respondents and the same is without prejudice to his rights and contentions on merits of the case.

3. In view of the concession made on behalf of the respondents, the present petition is allowed, subject to cost of Rs 10,000/- and the impugned order dated 17.11.2023 is set aside and petitioner is granted permission to amend the written statement and file counter claim in terms of his applications under Order VI Rule 17 CPC and the supplementary application.

4. Order is further subject to condition that petitioner shall file the amended written statement and counter claim on or before the next date fixed before the learned Trial Court.

5. The present petition is accordingly disposed of.

RAVINDER DUDEJA, J

DECEMBER 10, 2024

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