



2025:DHC:2637



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 15th April, 2025**

+ CM(M) 2942/2024 & CM APPL. 39887/2024
KASHYAPI INFRASTRUCTURE PVT. LTD. AND ANR

.....Petitioner

Through: Mr. Sanjeev Agarwal and Mr. Ekansh
Agarwal, Advocates.

versus

K.D.K. ENTERPRISES PVT. LTD.AND ANR

.....Respondent

Through: Mr. Hashmat Nabi, Advocate.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. A very short point is involved in the present matter.
2. The petitioners herein are defending a suit for recovery and they are aggrieved by order dated 13.05.2024 whereby one application seeking amendment in the plaint was allowed by the learned Trial Court, without hearing them.
3. Mr. Hashmat Nabi, learned counsel for respondent/plaintiff, appears through *video-conferencing* and admits the abovesaid scenario.
4. He submits that he would have no objection if the learned Trial Court is requested to hear the arguments afresh on such application, after giving due opportunity of hearing to the other side i.e. defendant also.
5. The matter is stated to be scheduled for further hearing before the learned Trial Court on 30.04.2025.
6. The Court has also gone through the impugned order dated 13.05.2024



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and it is quite apparent that the application was allowed, without hearing the other side on the premise that the amendment was formal in nature.

7. Be that as it may, in view of the concession given by the learned counsel for respondent/plaintiff, the present petition is allowed and, resultantly, the order dated 13.05.2024, to the extent it allows the amendment application, is set aside and learned Trial Court is requested to hear arguments from both the sides on said application on 30.04.2025 and then to dispose of the same in accordance with law.

8. It is, however, clarified that this Court has not expressed any opinion with respect to the merits of the abovesaid application, seeking amendment in the plaint.

9. The present petition, along with pending application, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 15, 2025/ss/SS