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

% **Date of Decision: 22.08.2025**

+ FAO(OS) 92/2025, CM APPL. 51932/2025 (Stay), CM APPL. 51933/2025 (Delay of 34 days in filing the appeal) & CM APPL. 51934/2025 (Ex.)

SANJAY BANSAL & ORS.Appellants

Through: Mr. Kunal Kalra, Advocate.

versus

DEEPA R JAINRespondent

Through: Ms. Kanika Agnihotri &
Ms. Sonakshi Chaturvedi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.

1. The present appeal has been filed under Section 10 of the Delhi High Court Act, 1966, impugning the Order dated 20.05.2025, passed by the learned Single Judge in I.A. No. 14421 of 2023 (under Order VI Rule 17 of the Code of Civil Procedure, 1908) in CS(OS) No. 608 of 2022, whereby the learned Single Judge has permitted the Plaintiff therein to amend the plaint.

2. This Court takes note of the fact that the amendment has been found to be explanatory in nature. The suit is at a preliminary stage, as issues have not yet been framed.

3. In order to comprehend the issue involved in the present case, the facts germane, *albeit* briefly, are required to be noticed.

**BRIEF FACTS:**

- a. Late Sh. Satya Pal Bansal was the common ancestor of the parties herein. He expired on 07.04.2000, leaving behind his three sons (Appellants), his daughter (Respondent/Plaintiff), and his widow, Smt. Savitri Bansal. Subsequently, the Respondent/Plaintiff executed a relinquishment deed in respect of Industrial Unit, Noida, and Naiwala, Karol Bagh, property.
- b. Thereafter, Smt. Savitri Bansal sold portions of property situated in Naiwala, retaining only two rooms, and allegedly executed a registered Will on 27.12.2016. Smt. Savitri Bansal passed away on 31.03.2022. The Plaintiff (Respondent herein) instituted a civil suit seeking a decree of partition and separate possession of the immovable properties left behind by Late Sh. Satya Pal Bansal.
- c. Pursuant thereto, written statements were filed by the Appellants/Defendants, disclosing that Smt. Savitri Bansal had decreed her property in favour of the Appellants/Defendants. At that stage, the Respondent/Plaintiff filed an application for permission to amend the plaint, seeking various amendments. The learned Single Judge only partly allowed the application. The said Order is the subject matter of challenge before this Court.

SUBMISSIONS OF THE PARTIES:

4. Learned counsel appearing for the Appellants submits that on one hand, the learned Single Judge refused to permit the Plaintiff to withdraw the averments made in Para 8(b) and Para 8(m) of the



original plaint - wherein the Plaintiff therein has made averments regarding the relinquishment deed - while on the other hand, the Plaintiff has been permitted to make prayer clause “(i)” permitting her to seek declaration that such relinquishment deed is the result of fraud and coercion.

5. He further submits that fraud was never pleaded in the original plaint, and now, by way of such amendment, fraud cannot be permitted to be incorporated.

6. *Per contra*, learned counsel appearing for the Respondent/Plaintiff submits that the Plaintiff came to know of the fraud when she was confronted with the testamentary disposition of Smt. Savitri Bansal, which was disclosed for the first time in the written statement as filed by the Appellants/Defendants therein.

7. Hence, the Plaintiff was compelled to file an application seeking amendment of the plaint, since Smt. Savitri Bansal has made promises while persuading the Plaintiff to execute the relinquishment deed, which were never fulfilled.

ANALYSIS AND CONCLUSION:

8. This Court has considered the submission. It is evident that the Plaintiff has already sought partition of the properties left behind by Late Sh. Satya Pal Bansal. In other words, she is claiming property on the basis of natural succession. For the first time, in the written statements, the Appellants (Defendants therein) disclosed testamentary disposition allegedly executed by Smt. Savitri Bansal. Consequently, the Plaintiff filed the application seeking the amendment of the plaint. The Learned Single Judge has already held that such amendments are explanatory in nature.



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9. Moreover, usage of the word “fraud” in the plaint does not amount to pleading fraud in accordance with settled legal principles, and the same will have to be sufficiently proved by the Plaintiff.

10. At this preliminary stage, it would not be appropriate to refuse the amendment, particularly when such refusal may prejudice the Respondent/Plaintiff’s case.

11. As already noticed, the Respondent/Plaintiff claims that she came to know about the testamentary disposition only upon perusal of the written statement. Accordingly, she has now averred not only fraud but also coercion. In these circumstances, it cannot be said that there is any substantive amendment in the plaint.

12. Keeping in view the aforesaid discussion, no ground to interfere is made out.

13. The present appeal, along with pending application (s), if any, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 22, 2025/nd/va