



2025:DHC:7422



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 26th, August, 2025*

+ CM(M) 1617/2025 & CM APPL. 53003/2025

SANJEEV KUMAR JAIN & ANR.

.....Petitioner

Through: Mr. Shlok Chandra, Mr. Parikshit
Singh B. and Mr. Anshuman Jindal,
Advocates.

versus

RESIDENTS WELFARE ASSOCIATION THROUGH ITS
PRESIDENT

.....Respondent

Through: None.

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

1. Petitioner is defending a suit filed by Resident Welfare Association.
2. It was instituted in the year 2019.
3. The Resident Welfare Association is with respect to flats built by DDA which are situated in C.A. Block, Shalimar Bagh, Delhi.
4. In the abovesaid suit seeking mandatory injunction, Society claimed as under in Para 25 of the plaint:-

*“25. That dues on the part of the defendant is Rs.18,800/-, the break up of which is as under: -
Rs.5100/- upto 2012, Rs.1900/- for 2013, Rs.2400/- for 2014, Rs.2400/- for 2015, Rs.2400/- for 2016, Rs.2400/- for 2017 and Rs.2200/- till the date of legal notice dated 12.11.2018. Even after that, the due is accruing on.”*

5. However, it seems that in the prayer clause, instead of seeking recovery of the abovesaid amount, the plaintiff-Society sought a decree of mandatory



injunction directing the defendant to pay the abovesaid arrears amounting of Rs.18,800/- till the month of November, 2018 and to continue pay the amount thereafter also.

6. The suit has yet not been put to trial.

7. The plaintiff-Society, realizing its slip-up, moved an application under Order VI Rule 17 CPC seeking correction with respect to the title of the suit, besides other consequential amendments. By virtue of the abovesaid application, it prayed that the suit be titled as suit for recovery and it was also mentioned that the plaintiff was ready to pay the ad-velorum court fee on such amount.

8. The abovesaid application has been allowed by the learned Trial Court on 30.05.2025 and such order is under challenge.

9. Quite clearly, defendant is unjustified in contending that the amendment has changed the nature of the suit.

10. There exists nothing *mala fide* in the amendment sought by the plaintiff-Society. On the contrary, it seems to be on account of inappropriate drafting that the suit was not titled in the manner, it should have been.

11. Therefore, this Court does not find any reason to interfere with the impugned order, more so when it does not demonstrate any illegality or perversity.

12. During course of the arguments, learned counsel for the petitioner/defendants submitted that, as per his instructions, defendant is ready to find amicable solution in the matter and would not be averse to the idea if the matter is referred for Mediation.

13. The next date before the learned Trial Court is stated to be 17.09.2025.

14. The present petition is, though, dismissed, learned Trial Court is



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requested to assess on the date fixed i.e. 17.09.2025, whether the matter can be referred to Mediation.

15. The present petition is disposed of in aforesaid terms.

16. The pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 26, 2025/ss/pb