



2026:DHC:7497



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 01.09.2026

CNR No. DLHC010204632021

+ **CS(OS) 307/2021, Crl.M.A. 6313/2022 and IA Nos.8162/2021, 16788/2021,**

SH. SHISHUPAL CHAUHAN & ANR.Plaintiffs

Through: Mr. Aviral Jain, Adv.

versus

SH. RAM KUMAR TYAGI & ORS.Defendants

Through: Mr. Shiv Charan Garg, Mr. Imran Khan and Ms. Jahanvi Garg, Advs.
for D-1 (through v/c)**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)****I.A. 14291/2025 - U/O VI RULE 17 FOR AMENDMENT OF PLEADINGS**

1. This is an application under Order VI Rule 17, CPC seeking amendment to the plaint.
2. The captioned suit was filed by the plaintiffs seeing recovery of the amount allegedly paid for a contract dated 29.08.2019 entered into between the plaintiffs, defendant no.4 and some other persons in respect of sale of land admeasuring 43730 square yards comprising in Khasra No. 44/4, 5, 6/1, 6/2, 7, 45/1, 2, 3, 4, 5, 9 and 10, situated in the revenue estate of Burari, Delhi -110084 for a total consideration of Rs.63,69,71,180/- (Rs.



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Sixty Three Crore Sixty Nine Lakh Seventy Thousand and one hundred eighty Only).

3. The earnest money purported to be paid by the purchasers was to the tune of Rs.5,00,50,000/-.

4. The suit as initially filed was for the recovery and restitution of the aforesaid earnest money of Rs. 5,00,50,000/-. By way of the proposed amendment it is sought to be brought out that the plaintiffs/ purchasers were earmarked as having only 55% share in the land proposed to be purchased. Consequently, the amendment application has been filed primarily to confine the claim of the plaintiffs to the extent of their shares. Thus, the amount sought to be recovered has been reduced from Rs.5,00,50,000/- to Rs. 2,75,27,500/-.

5. Considering the nature of the amendment sought, this Court finds no impediment in allowing the present application. However, it cannot be lost sight of that the present application suffers from the laches inasmuch as the present suit was filed in year 2021.

6. Previously, IA. 12924/2022 which came to be filed by the plaintiffs for the amendment of the suit which came to be eventually allowed. There is no reason why the plaintiffs could not have acted with greater diligence and made these amendments at an earlier point of time.

7. Reference is drawn to the judgment of the Supreme Court in **LIC v. Sanjeev Builders (P) Ltd.**, (2022) 16 SCC 1, wherein it has been observed as under:-

“71. Our final conclusions may be summed up thus:

71.1. Order 2 Rule 2CPC operates as a bar against a subsequent



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suit if the requisite conditions for application thereof are satisfied and the field of amendment of pleadings falls far beyond its purview. The plea of amendment being barred under Order 2 Rule 2CPC is, thus, misconceived and hence negated.

71.2. All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. This is mandatory, as is apparent from the use of the word “shall”, in the latter part of Order 6 Rule 17CPC.

71.3. The prayer for amendment is to be allowed:

71.3.1. If the amendment is required for effective and proper adjudication of the controversy between the parties.

71.3.2. To avoid multiplicity of proceedings, provided (a) the amendment does not result in injustice to the other side, (b) by the amendment, the parties seeking amendment do not seek to withdraw any clear admission made by the party which confers a right on the other side, and

(c) the amendment does not raise a time-barred claim, resulting in divesting of the other side of a valuable accrued right (in certain situations).....”

8. Considering that the amendment will not cause any prejudice to the defendants and is in the interest of a proper and complete adjudication of the matter, the same is allowed. However, the same would be subject to cost of Rs.5,000/- to be paid to Delhi High Court Legal Services Committee.

9. The application is allowed in the above terms. Let the amended plaint be taken on record.

CS(OS) 307/2021

10. List before the Joint Registrar (Judicial) for further proceedings on the



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16.09.2026, the date already fixed.

SEPTEMBER 1, 2026/at/ka

SACHIN DATTA, J