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

% *Date of Decision: 18.11.2025*

+ **CM(M) 2208/2025, CM APPL. 72091/2025 & CM APPL. 72090/2025**

BHOOP SINGH GOLA

.....Petitioner

Through: Mr. Sandeep Sharma, Sr. Advocate
with Mr. Hunny Singh, Mr. R. K.
Sonkiya, Mr. Naveen Kumar and Mr.
Sumit, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Ms. Shruti Goel, Advocate for MCD.
Ms. Manika Tripathy, SC for DDA.

CORAM: JUSTICE GIRISH KATHPALIA

ORDER (ORAL)

1. By way of this petition brought under Article 227 of the Constitution of India, the petitioner/plaintiff has assailed order dated 15.10.2025 of the learned trial court, whereby the application seeking amendment of plaint in the suit pending for thirty years was dismissed. Having heard learned senior counsel for petitioner/plaintiff, I do not find it a fit case to even issue notice.

2. Broadly speaking, in the suit filed for permanent and mandatory injunction to restrain the defendants (*respondents herein*) from demolishing



any portion of the subject property, the petitioner/plaintiff at the stage of rebuttal final arguments filed an amendment application, seeking to amend seven paragraphs of the plaint and the prayer clause by inserting the expression “defendant no.2” therein. Further, it appears that prior to the subject application, the petitioner/plaintiff had earlier also sought amendment of the plaint on certain other grounds, which application was dismissed. By way of the impugned order, the learned trial court dismissed the second amendment application with detailed reasons, set out in paragraphs 6 to 10 of the impugned order.

3. Learned senior counsel for petitioner/plaintiff contends that the impugned order is liable to be set aside because if the amendment sought is not allowed, the petitioner/plaintiff would suffer prejudice as the suit would not get completely adjudicated upon. Learned senior counsel for petitioner/plaintiff also contends that the residuary part of the prayer clause of the plaint takes care of the facts now sought to be inserted by way of amendment of plaint. No other submission has been advanced.

4. To reiterate, the suit aged 30 years is at its fag end, as both sides have already advanced final arguments and the matter is listed for rebuttal final arguments. That being so, proviso to Order VI Rule 17 CPC would come into play and the petitioner/plaintiff has to explain as to whether the facts now sought to be pleaded were not within the knowledge of the petitioner/plaintiff or the same could not be found by the petitioner/plaintiff despite due diligence. That is admittedly not the position insofar as the petitioner/plaintiff was always aware about the role of defendant no.2. It is



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not that the defendant no.2 is now for the first time sought to be brought on record. The defendant no.2 was always a party to the suit. Therefore, the amendment sought by petitioner/plaintiff would be obviously hit by proviso to Order VI Rule 17 CPC.

5. Further, it is also the admitted position that in the previous amendment application, the petitioner/plaintiff did not make even a whisper of facts now sought to be inserted in the plaint. The previous amendment application was dismissed by the learned trial court vide order dated 24.07.2025, which order having not been challenged has already obtained finality.

6. There is another aspect, as considered by the learned trial court. If the petitioner/plaintiff is allowed to amend the plaint at this fag end of the suit aged 30 years, the defendant no.2 would have to be granted opportunity to amend its pleadings or file fresh pleadings followed by reopening of the trial. That would be the worst travesty of justice by dragging on such old suit.

7. Further, even the reason advanced on behalf of petitioner/plaintiff for such belated exercise is completely casual and vague. The petitioner/plaintiff states that the amendment at this fag end is required because earlier, the erstwhile counsel inadvertently did not raise the grounds now sought to be raised. This practice of throwing trash on the previous counsel must be deprecated. The erstwhile counsel would not even be aware that he is being maligned, that too without being heard.



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8. It appears that the petitioner/plaintiff is trying to somehow protract the proceedings and ensure that the suit does not get decided despite its pendency of 30 years.

9. I am unable to find any infirmity in the impugned order, so the same is upheld. The petition is not just devoid of merit but also appears to be totally frivolous, so dismissed with cost of Rs. 25,000/- to be deposited by the petitioner/plaintiff with DHCLSC within two weeks in addition to the costs already imposed in the impugned order.

10. The pending applications also stand disposed of.

**GIRISH KATHPALIA
(JUDGE)**

NOVEMBER 18, 2025/dr