



2025:DHC:10222



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

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Date of Decision: 20.11.2025

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CM(M) 2238/2025 & CM APPL. 72859/2025

M/S DSI SOLUTION PVT. LTD. (OPC) THROUGH ITS
DIRECTOR PRAVEEN SAINIPetitioner

Through: Mr. S.N. Gautam, Advocate.

versus

SH. NARESH KUMAR HOODA

.....Respondent

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA

ORDER (ORAL)

1. Petitioner/defendant by invoking Article 227 of the Constitution of India has assailed order dated 11.08.2025 of the learned trial court, whereby application under Order VI Rule 17 CPC filed by the respondent/plaintiff seeking permission to sign and attest the verification clause at foot of the plaint was allowed. Having heard learned counsel for petitioner/defendant, I do not find it a fit case to even issue notice.

2. Broadly speaking, it appears that the respondent/plaintiff, while instituting a suit for money recovery duly signed the plaint and even the supporting affidavit, but due to inadvertence did not sign the verification clause, though the same was textually complete. It is in order to rectify that



error, the respondent/plaintiff filed an application under Order VI Rule 17 CPC. The application was opposed by the petitioner/defendant mainly on the ground of proviso to Order VI Rule 17 CPC as the trial had already commenced upon framing of issues. The learned trial court after detailed discussion, relying upon a judicial precedent from the Supreme Court in the case of *Uday Shankar Triyar vs Ram Kalewar Prasad Singh & Anr.*, (2006) 1 SCC 75, took a view that what was sought by the respondent/plaintiff was only rectification of an irregularity and no substantive amendment had been sought, so the application was allowed.

3. Today, the only argument advanced on behalf of petitioner/defendant is that since trial had commenced, in view of proviso to Order VI Rule 17 CPC, the application for amendment was liable to be dismissed. In response to a specific query, learned counsel for petitioner/defendant submits that as on the date of filing of the amendment application, no witness of either side had stepped into the box and only issues had been framed. It is trite that mere framing of issues does not mean commencement of trial. The trial would commence only once the first witness steps into the box and tenders chief examination affidavit. That being so, the argument that the amendment sought was hit by proviso to Order VI Rule 17 CPC is not correct.

4. Further, as mentioned above, what was sought by the respondent/plaintiff and permitted by the trial court was only a rectification of irregularity and not a substantive amendment. As correctly observed by learned trial court, verification under Order VI Rule 15 CPC is a separate



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solemn affirmation by the party as to the truthfulness of the pleadings. The verification is an adjunct to the pleadings and not a part of the substantive averments of the plaint/written statement. Merely because the respondent/plaintiff nomenclatured the application as under Order VI Rule 17 CPC, it cannot be ignored that what was sought was not an amendment of the pleadings. As laid down in the judicial precedent cited in the impugned order, any defect in verification is not fatal to the plaint and such defect is curable.

5. I am unable to find any infirmity, much less perversity in the impugned order that would call for intervention under Article 227 of the Constitution of India, so the same is upheld. The present petition as well as the accompanying application being devoid of merit and being frivolous are dismissed with costs of Rs.10,000/- to be deposited by petitioner/defendant with DHCLSC within one week.

**GIRISH KATHPALIA
(JUDGE)**

NOVEMBER 20, 2025/ry