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

% **Date of Decision: 02nd May, 2025**

+ CM(M) 568/2025 & CM APPL. 17837-17838/2025

TRILOK CHAND & ORS.Petitioner

Through: Ms. Rekha Rustagi, Advocate

versus

BHAGWAT PRASAD RUSTAGI & ORS.Respondent

Through: Paras Verma, Mr. Sachet Sharma and
Mr. Ayush Sharma, Advocates for
R-1, R-2 & R-3

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. When this matter was taken up by this Court on 27.03.2025, the following observations were made: -

“1. Present petition has been filed by the plaintiffs and they are aggrieved by the order dated 23.12.2024 whereby their application seeking amendment has been declined.

2. Learned counsel for petitioner/plaintiffs submits that there was some inadvertent typographical/clerk error in para 13 of the plaint and she had, merely, requested the learned Trial Court to permit her to amend the same.

3. She submits that there was no requirement of leading any further evidence and once the amendment was allowed, the Court could have straightaway heard the final arguments as well.

4. The relevant portion of para 13 of the plaint reads as under:-

“That the suit for declaration of share in Joint Family Property and permanent injunction is valued at Rs.1,25,00,000/- being the market value of the entire property, for the purpose of jurisdiction”



5. According to plaintiffs, the above said line should have been mentioned as under:-

“That the suit for declaration of share in Joint Family Property and permanent injunction is valued at Rs.1,25,00,000/- being the market value of the entire share of the plaintiffs in the property, for the purpose of jurisdiction”

6. It is submitted that the property valuation mentioned in the abovesaid paragraph i.e. valuation at Rs. 1,25,00,000/-, is with respect to the share of the plaintiffs and the total value of the property is much more than that.

7. Learned Trial Court has dismissed the application observing that earlier also plaintiff was having ample opportunities to amend the plaint and, moreover, the present application was nothing but an afterthought.”

2. Pursuant to issuance of notice, learned counsel for respondents (counsel for all the contesting defendants) has appeared today.

3. Learned counsel for petitioner/plaintiffs submits that plaintiffs, merely, seek aforesaid small amendment in Para-13 of the plaint and they do not seek re-opening of the matter, from any angle whatsoever. They do not want framing of any additional issue and leading of additional evidence, pursuant to the aforesaid amendment, if allowed by this Court.

4. Learned counsel for respondents, when asked, also contend that in view of aforesaid, even he would not seek any further right/opportunity in this regard and would rather assist the learned Trial Court as the case is already at the stage of final arguments. He also submits that their stand is already very clear in the written statement and they don't have to file any amended written statement either, if the amendment is allowed and do not have to lead any additional evidence.

5. The amendment sought by the plaintiffs is formal in nature and they, merely, want to clarify that the valuation mentioned in Para-13 of the plaint is with respect to their portion and not the valuation of the entire property, as



such. Though, ideally speaking, the facts should have been mentioned properly when the suit was instituted but in view of the given factual matrix, the amendment could not have been disallowed, merely, for the reason that there is delay in seeking the same.

6. Keeping in mind the overall facts of the case and the fact that case would continue to remain at the stage of final arguments, the present petition is allowed with the direction that the aforesaid amendment stands allowed. The amended petition, if not on record, be placed before the learned Trial Court.

7. The present petition stands disposed of in the aforesaid terms.

8. All the pending applications are also disposed of.

9. Learned Trial Court is also requested to make its best endeavour to hear final arguments and to dispose of the suit, as expeditiously as possible.

(MANOJ JAIN)
JUDGE

MAY 2, 2025/dr/shs