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

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*Date of Decision: 08<sup>th</sup> July, 2025*

+ CM(M) 1167/2025 & CM APPL. 39307-39308/2025

BALAJI STEEL

.....Petitioner

Through: Mr. K.B. Shankar, Mr. Vijay Pal  
Singh, Mr. Jeetu Singh and Mr.  
Chandan Singh, Advocates.

versus

SIALKOT SHOP AND ANR

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by dismissal of his application moved under Order VI Rule 17 CPC whereby he wanted to amend his plaint.
2. The crux of the amendment sought was to the effect that when the suit was filed, the plaintiff was seeking principal amount of Rs.29,13,715/- but according to the plaintiff, a sum of Rs.6 lacs was required to be deducted from the aforesaid amount and, therefore, the plaintiff wanted to restrict his suit to the principal amount of Rs.23,13,715/-.
3. When the abovesaid application was taken up by the learned Trial Court, the learned Trial Court dismissed the same while observing that the application was highly vague, ambiguous and confusing and it also observed that there was lack of clarity and it was not apparent as to what the plaintiff



wanted and why.

4. Such order dated 01.02.2025 is under challenge.

5. However, much water has flown down thereafter as one application under Order XIII A CPC was filed by the defendants and they strongly relied upon the abovesaid averment made by the plaintiff and the learned Trial Court *vide* order dated 22.03.2025 has gone on to observe that as per the admission made by the plaintiff himself, there was no prospect of his succeeding with respect to the abovesaid part-claim of Rs.6 lacs which was forming part of the suit amount and, therefore, the suit has been dismissed to the extent of Rs.6 lacs.

6. Fact remains that what the plaintiff wanted to incorporate by moving abovesaid amendment application has already been ordered by the learned Trial Court *albeit* in a different manner.

7. In view of the above, no purpose would be achieved by permitting amendment now.

8. Learned counsel for the petitioner, however, submits that when the application was dismissed by the learned Trial Court on 01.02.2025, he was imposed with cost of Rs.20, 000/-.

9. He submits that he may be, at least, permitted to move application before the learned Trial Court seeking waiver of such cost.

10. Keeping in mind the peculiar facts of the case and the subsequent order dated 22.03.2025, the petitioner would be at liberty to move application seeking waiver of the cost imposed upon him *vide* order dated 01.02.2025 and, as and when, any such application is moved, the learned Trial Court would consider the same, in accordance with law, after giving due opportunity of hearing to both the sides.



2025:DHC:5470



11. The petition stands disposed of in aforesaid terms.
12. Pending applications, if any, stand disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 8, 2025/ss/SS**