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

Reserved on: 16.10.2026
Date of Decision: 04.11.2026
Date of Uploading: 05.11.2026

\# **CNR No. DLHC010273402024**

\+ CM(M) 2554/2024 & CM APPL. 28233/2024 & CM APPL. 66637/2024 & CM APPL. 24345/2026 & CM APPL. 57609/2026

BRIJ BHUSHAN TIWARI & ANR. .....Petitioners

Through: Mr. Uday Gupta, Sr. Advocate with Ms. Shivani Lal, Mr. Hiren Dasan, Mr. Ajay Sharma and Mr. Unmukt Gera, Advocates

versus

SANTOSH KUMAR TIWARI .....Respondent

Through: Mr. Ashok Kumar Mishra and Mr. Surya Narayan, Advocates

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. Through the present petition, the petitioners are assailing the order dated 11.01.2024 passed by the learned Additional District Judge-02, North-East District, Karkardooma Courts, New Delhi[1], in Civil Suit No. 59/2023, titled *"Santosh Kumar Tiwari Vs. Brij Bhushan Tiwari"*, whereby the application moved by the respondent/plaintiff under Order VI Rule 17 read with Section 151 of

[1] Hereinafter 'learned Trial Court'

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the Code of Civil Procedure, 1908[2], seeking amendment of the plaint, was allowed, subject to the cost of Rs. 4,000/-.

2. Shorn of the unnecessary details, the brief facts leading to filing of the present petition are that on 01.05.2014, the respondent instituted the suit seeking partition, permanent injunction and mandatory injunction in respect of two properties situated in Karawal Nagar, Delhi, namely property bearing No. A-1302, measuring 300 sq. yds., and House No. 91, measuring approximately 200 sq. yds., both forming part of Khasra No. 18/20[3]. The subject properties had been acquired by the parties' father, Late Dharamraj Tiwari, during his lifetime.

3. In the written statement dated 09.10.2014, petitioner no. 1/defendant no. 1 disclosed that a portion measuring 75 sq. yds. of property No. A-1302 had been transferred by the parties' father in favour of petitioner no. 2/defendant no. 2, Mrs. Prema Tiwari, on 25.03.1998, pursuant to which documents, including a General Power of attorney, an Agreement to Sell and a receipt, had been executed in her favour. The respondent disputed the aforesaid claim in his replication dated 02.02.2015.

4. During the pendency of the suit, the respondent initially moved an application under Order I Rule 10 CPC seeking impleadment of petitioner no. 2/proposed defendant no. 2, which came to be dismissed as not pressed *vide* order dated 06.12.2018. Thereafter, on 02.02.2019, the respondent moved an application under Order VI Rule 17 read with Section 151 CPC, seeking amendment of the plaint. By way of the proposed amendments, the respondent sought the following

[2] Hereinafter 'CPC'
[3] Hereinafter "Subject premises"

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amendments:

(i) amend the array of parties in so far as to implead the name of Smt. Prema Tiwari as defendant no. 2;

(ii) amend the title of the suit seeking an additional prayer of declaration with respect to the title documents dated 25.03.1998 through which the petitioner no. 2 is claiming ownership of land admeasuring 75 sq. yds., of the subject premises:

(iii) amend the contents of Paragraphs No. 16A to 16D, 17, and 20 of the plaint; and

(iv) lastly, delete the existing prayer clause therein to incorporate an additional prayer, seeking, *inter alia*, declaration of the title documents dated 25.03.1998 as null and *void-ab-initio*.

5. The aforesaid application was opposed by the petitioners, and the order impugned dated 11.01.2024 was passed by the learned Trial Court. Learned Trial Court. While allowing the application under Order VI Rule 17 CPC, it was observed that the proposed amendment was intended to bring the controversy concerning the 75 sq. yds. portion, and the documents executed in favour of petitioner no. 2 before the Court. The relevant portion of the said order dated 11.01.2024 is reproduced hereinbelow for ready reference:

> "5. Undoubtedly, amendment cannot be claimed as a matter of right and under all circumstances, but the Courts while deciding such prayers should not adopt a hyper-technical approach. Liberal approach should be the general rule, particularly in cases where the other side can be compensated with costs. Normally, amendments are allowed in the pleadings to avoid multiplicity of litigations. Hence, it is a general rule, leave to amend will be granted to as to enable the real question in issue between the parties to be raised on the pleading, where the amendment will occasion no injury to the opposite party, except such as can be sufficiently compensated for by costs or other terms to be imposed by the order. The following principles should be kept in mind while, dealing with the

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applications for amendment of the pleadings- (i) All the amendments should be allowed which are necessary for determining of the real controversies in the suit; (ii) the proposed amendment should not alter and be a substitute of the cause of action on the basis of which the original list was raised; (iii) Inconsistent and contradictory allegations in negation to the admitted position of facts or mutually destructive allegations of facts would not be allowed to be incorporated by means of amendment; (iv) Proposed amendment should not cause prejudice to the other side which cannot be compensated by means of costs; (v) Amendment of a claim or relief barred by time should not be allowed; (vi) No amendment should be allowed which amounts to or results in defeating a legal right to the opposite party on account of lapse of time; (vii) No party should suffer on account of technicalities of law and the amendment should be allowed to minimise the litigation between the parties; (viii) the delay in filing the petitions for amendment of the pleadings should be properly compensated by costs; (ix) Error or mistake, which if not fraudulent, should not be made the ground for rejecting the application for amendments of pleadings. It is a tried proposition of law, culled from various pronouncements, that *bona fide* amendments, vital for adjudication of the real question in controversy between the parties, should be allowed however negligent the first omission and howsoever delayed the proposed amendment, if the opposite party can be compensated with costs and other terms to be imposed in the order. Conversely, amendment should be refused where it is not necessary for the purpose of determining the real question in controversy between the parties. Reliance is placed upon Rameshkumar Agarwal v. Rajmala Exports (P) Ltd., (2012) 5 SCC 337 and Manoharlal v. NBM Supply, Gurgaon, AIR 1969 SC 1267.

6. With respect to the aspect of limitation/time barred as raised by the defendant in his reply, it is to be noted that it is a very initial stage in which issues are yet to be framed and these contentions are to be decided scientifically with the help of evidence to be led by the plaintiff at an appropriate stage. It is to be noted that the defendant number 2 is the wife of defendant number 1 and it is the defendant number 1 himself who has raised the issue qua the defendant number 2. In his written statement nowhere it has been submitted by defendant number 1 that he is not sharing the cordial relations with his wife. There is absolutely no reason/proof which

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> may divulge that proposed amendments may alter the nature of the suit. Therefore, in the totality of the circumstances, application of the plaintiff under Order VI Rule 17 read with section 151 CPC is allowed subject to payment of cost of Rs. 4,000/- to be paid to the defendant by the plaintiff.
>
> 7. Plaintiff is directed to file the amended plaint. Defendant is at liberty to file any written statement to the amended plaint, if required.
>
> 8. Application stands disposed of accordingly."

6. Aggrieved by the aforesaid order, the petitioners have approached this Court under Article 227 of the Constitution of India, seeking, *inter alia*, to set aside the same.

7. Mr. Uday Gupta, learned senior counsel appearing on behalf of the petitioners submits that the impugned order dated 11.01.2024 suffers from material errors in the exercise of jurisdiction vested in the learned Trial Court. It is contended that the respondent sought to introduce, by way of amendment, a relief for declaration that the documents dated 25.03.1998, executed in favour of petitioner no. 2 in respect of 75 sq. yds. pf property no. A-1302, are null and *void*, despite the claim being barred by limitation.

8. It is submitted that the respondent's assertion that he acquired knowledge of the transfer only upon receipt of the written statement dated 09.10.2014 is contrary to the record.

9. In this regard, the learned senior counsel draws the attention of this Court to the following:

(i) The Action Taken Report dated 13.04.2012 filed by the Investigating Officer in Compliant Case No. 246/2011 titled *'Kiran Devi v. Brij Bhushan Tiwari'*, instituted by the wife of

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respondent before the learned Metropolitan Magistrate, Karkardooma Courts, which records that the deceased father of the parties had, before his demise, transferred ownership of the land admeasuring 75 sq. yds. in favour of petitioner no. 2;

(ii) The order dated 28.06.2012 passed in the aforesaid complaint case, which records that the status report was filed and a copy thereof was supplied to the complainant;

(iii) The subsequent complaint dated 17.04.2014, addressed by the wife of respondent to the SHO, PS Karawal Nagar, Delhi, which states that the 75 sq. yds. of the subject premises stand in the name of petitioner no. 2; and

(iv) The replication dated 02.02.2015 filed by the respondent against the petitioner no. 1's written statement, wherein the ownership of petitioner no. 2 over 75 sq. yds. of the subject premises was specifically denied, and the admission and denial of documents on behalf of both the parties stood concluded *vide* order dated 17.07.2015.

10. On the strength of the aforesaid record, learned Senior Counsel submits that the proposed declaratory relief is barred by Article 58 of the Limitation Act, 1963. The amendment, if permitted, would deprive the petitioners of a valuable defense accrued by lapse of time. Reliance is placed on ***S.P. Chengalvaraya Naidu v. Jagannath***[4], to contend that the respondent's assertion that he acquired knowledge of the transfer only upon receipt of the written statement amounts to concealment of facts and that a litigant who approaches the Court on a false plea is not entitled to indulgence.

11. Learned Senior Counsel further submits that the learned Trial

[4] **(1994) 1 SCC 1**

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Court, despite noticing in paragraph 5 of the impugned order that an amendment introducing a claim or relief barred by limitation may warrant rejection, failed to properly consider the petitioners' objections in the context of the admitted record. Instead, it deferred determination of the issue to a later stage, observing that the matter required to be examined *"scientifically"* on the basis of evidence. It is contended that the question of limitation could have been considered, at least *prima facie,* on the basis of the respondent's pleadings and the documents on record, and that the failure to do so constitutes a failure to exercise jurisdiction.

12. In support of this submission, reliance is place on ***Life Insurance Corporation of India v. Sanjeev Builders (P) Ltd***[5]**.,** to contend that although amendments are ordinarily permitted to facilitate adjudication of the real controversy, the introduction of a time-barred claim is a relevant consideration and may justify refusal of the amendment.

13. Learned Senior Counsel also contends that the proposed amendment changes the nature and character of the suit. The suit, as originally instituted, sought partition and injunctive relief; the amendment seeks to introduce a challenge to the documents dated 25.03.1998 on allegations of forgery and fabrication, along with a declaratory relief and the impleadment of petitioner no. 2. Reliance is placed upon the Hon'ble Supreme Court's judgment in ***Basavaraj v. Indira***[6]**,** in support of the contention that introducing a declaratory relief by amendment in a suit for partition and separate possession may impermissibly alter the nature of the suit, particularly where the

[5] **(2022) SCC OnLine SC 1128**
[6] **2024 SCC OnLine SC 208**

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proposed relief is barred by limitation.

14. Learned counsel lastly submits that the amendment would defeat a valuable right that has accrued to the petitioners by lapse of time and ought, therefore, to have been disallowed. In support of the objections to the proposed amendment, reliance is also placed on ***'L.C. Hanumanthappa v. H.B. Shivakumar'***[7]***, 'K. Raheja Constructions Ltd. v. Alliance Ministries***[8]***', 'Revajeetu Builders and Developers v. Narayanaswamy and Sons***[9]***', 'Van Vibhag Karamchari Griha Nirman Sahkari Sanstha Maryadit v. Ramesh Chander,***[10]***',*** and ***'Voltas Ltd. v. Rolta India Ltd.,***[11]***'***,

15. *Per contra*, learned counsel for the respondent concurs with the findings of the impugned order, and submits that the proposed amendment was necessary for proper adjudication of the dispute and was sought upon the disclosure made by the petitioners in the written statement dated 09.10.2014. It is contended that the respondent acquired knowledge of the alleged transfer of 75 sq. yds. of property No. A-1302 in favour of petitioner no. 2 only upon its disclosure in the written statement.

16. Learned counsel disputes the genuineness of the documents dated 25.03.1998, purportedly executed by the parties' deceased father in favour of petitioner no. 2. It is submitted that no transfer of the said portion of the property had taken place and that the documents relied upon by the petitioners are forged and fabricated. The respondent further denies that possession of the said portion was ever delivered to petitioner no. 2 and maintains that the properties continued to belong

[7] **(2016) 1 SCC 332**
[8] **1995 Supp (3) SCC 17**
[9] **(2009) 10 SCC 84**
[10] **(2010) 14 SCC 596**
[11] **(2014) 4 SCC 516**

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to the deceased father, whose legal heirs were permitted to use them.

17. It is further submitted that under the oral family settlement arrived at between the brothers after their father's demise, House No. 91 was to fall exclusively to the respondent, who was also to receive 50 sq. yds. out of the property No. A-1302, while the remaining portion was to be retained by petitioner no. 1. According to the respondent, the petitioners subsequently resiled from the settlement and relied upon the disputed documents to deny his entitlement to the said 50 sq. yds.

18. Learned counsel denies that the Action Taken Report dated 13.04.2012 or the complaint dated 17.04.2014 established that the respondent had knowledge of the alleged transfer before the filing of the written statement. It is contended that the petitioners' interpretation of those documents is disputed and that the respondent's suit was instituted within the prescribed period of limitation. The objection founded on Article 58 of the Limitation Act, 1963 is, therefore, stated to be misconceived.

19. Learned counsel further submits that the proposed amendment satisfies the requirements of Order VI Rule 17 CPC as it is necessary for determining the real controversy between the parties and does not impermissibly alter the nature of the suit. The question of limitation, according to the respondent, cannot be conclusively determined in the course of trial. It is also submitted that the learned Trial Court duly considered the objections raised by the petitioners and permitted the amendment at a stage when the suit had not yet commenced, and issues were yet to be framed, subject to costs of Rs. 4,000/-.

20. Heard. Perused the record.

21. At the outset, it is apposite to note the contours of the

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supervisory jurisdiction of this Court under Article 227 of the Constitution of India. The Hon'ble Supreme Court in catena of judgments, including ***'Shalini Shyam Shetty v. Rajendra Shankar Patil' (2010) 8 SCC 329***[12]**,** and ***'Garment Craft v. Prakash Chand Goel'***[13], has held that the said jurisdiction ought to be exercised sparingly, and only to ensure that the courts subordinate to this Court remain within the bounds of their authority. Interference is warranted only when a subordinate court assumes the jurisdiction, beyond their scope, or exercises its jurisdiction in a manner which results in a patent error that is apparent on the face of the record, is self-evident, and goes to the root of the matter itself or results in manifest failure of justice, causing grave and irreparable prejudice to a party.

22. The threshold for interference, as enunciated in the aforesaid precedents, is high and therefore, it is well settled that this Court, in exercise of its supervisory jurisdiction, does not sit in appeal over the order under challenge, and does not re-appreciate the material on record or substitute the view of the subordinate court merely because another view is plausible.

23. With the aforesaid in mind, the limited question for consideration before this Court is whether the learned Trial Court, while exercising its judicial discretion to allow the amendment application moved by the respondent under Order VI Rule 17 CPC, took into consideration the relevant parameters governing the procedure for amendment of pleadings.

24. A plain reading of the provision given under Order VI Rule 17 CPC, makes it clear that it confers a discretionary power on the Court

[12] **(2010) 8 SCC 329**
[13] **(2022) 4 SCC 181**

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to permit amendments that are necessary for culling out the real controversy between the parties. However, the *proviso* to Order VI Rule 17 prescribes that once the trial has commenced, the exercise of such power is subject to an additional requirement. The court must be satisfied that, despite due diligence, the party could not have raised the proposed amendment before the commencement of trial. The object of the said *proviso* is to enable the Court to adjudicate effectively, and completely upon the dispute between the parties, while ensuring that a party does not introduce at a belated stage, an amendment which could have been brought to the notice of the court earlier.

25. The aforesaid principles governing amendment of pleadings are well settled. In ***Life Insurance Corporation of India (supra)***, the Hon'ble Supreme Court reiterated that liberal approach ought to be adopted towards a prayer seeking amendment of pleadings. However, it was also held that where a time-barred claim is sought to be introduced by way of amendment, the fact that the claim may be time-barred becomes a relevant factor for consideration. The relevant portion of the said judgment is reproduced hereinbelow:

> "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:
> 71.3.2. 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).
> 71.4. A prayer for amendment is generally required to be allowed unless:

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71.4.1. By the amendment, a time-barred claim is sought to be introduced, in which case the fact that the claim would be time-barred becomes a relevant factor for consideration.
71.4.2. The amendment changes the nature of the suit.
71.4.4. By the amendment, the other side loses a valid defence.
71.5. In dealing with a prayer for amendment of pleadings, the court should avoid a hypertechnical approach, and is ordinarily required to be liberal especially where the opposite party can be compensated by costs.
71.6. Where the amendment would enable the court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed.
71.7. Where the amendment merely sought to introduce an additional or a new approach without introducing a time-barred cause of action, the amendment is liable to be allowed even after expiry of limitation.
71.8. Amendment may be justifiably allowed where it is intended to rectify the absence of material particulars in the plaint.
71.9. Delay in applying for amendment alone is not a ground to disallow the prayer. Where the aspect of delay is arguable, the prayer for amendment could be allowed and the issue of limitation framed separately for decision.
71.10. Where the amendment changes the nature of the suit or the cause of action, so as to set up an entirely new case, foreign to the case set up in the plaint, the amendment must be disallowed. Where, however, the amendment sought is only with respect to the relief in the plaint, and is predicated on facts which are already pleaded in the plaint, ordinarily the amendment is required to be allowed.
71.11. Where the amendment is sought before commencement of trial, the court is required to be liberal in its approach. The court is required to bear in mind the fact that the opposite party would have a chance to meet the case set up in amendment. As such, where the amendment does not result in irreparable prejudice to the opposite party, or divest the opposite party of an advantage which it had secured as a result of an admission by the party seeking amendment, the amendment is required to be allowed. Equally, where the amendment is necessary for the court to effectively adjudicate on the main issues in controversy between the parties, the amendment should be allowed."

26. Similarly, the Hon'ble Court in ***Revajeetu Builders (Supra)***,

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enumerated certain factors to be taken into consideration while allowing or rejecting an application for amendment. These said parameters are reproduced hereinbelow:

> "63. On critically analysing both the English and Indian cases, some basic principles emerge which ought to be taken into consideration while allowing or rejecting the application for amendment:
> (1) whether the amendment sought is imperative for proper and effective adjudication of the case;
> (2) whether the application for amendment is bona fide or mala fide;
> (3) the amendment should not cause such prejudice to the other side which cannot be compensated adequately in terms of money;
> (4) refusing amendment would in fact lead to injustice or lead to multiple litigation;
> (5) whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case; and
> (6) as a general rule, the court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application."

27. It is equally well settled through the judgment of the Hon'ble Court in ***'Pankaja and another v. Yellappa (Dead) by LRs and Others'***[14], that if the grant of amendment subserves the ultimate cause of justice, and avoids multiplicity of litigation, the same should be allowed. It was further observed therein that an amendment seeking declaration of title does not introduce a different relief, so long as the necessary factual basis in regard to the title has already been averred in the un-amended plaint.

28. In light of the aforesaid principles, the controversy before this Court is whether the application for amendment was considered by the learned Trial Court in accordance with the parameters governing the exercise of jurisdiction under Order VI Rule 17 CPC. The principal

[14] **(2004) 6 SCC 415**

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objections raised by the petitioners relate to limitation and the alleged alteration in the nature and character of the suit. These objections, having a bearing on the permissibility of the proposed amendment, required consideration by the learned Trial Court.

29. The first objection concerns limitation. The petitioners contend that the respondent had knowledge of the alleged transfer of 75 sq. yds. in favour of petitioner no. 2 much prior to the filing of the suit. In support of this contention, reliance has been placed on the Action Taken Report dated 13.04.2012, the order dated 28.06.2012 and the complaint dated 17.04.2014. According to the petitioners, these documents demonstrate that the respondent was aware of the alleged transfer before the written statement dated 09.10.2014 disclosed the same. The respondent, on the other hand, disputes this assertion and maintains that he acquired knowledge of the documents only upon their disclosure in the written statement.

30. It is well settled that the question of limitation, when raised in opposition to an application for amendment, cannot be dealt with mechanically. The Court is required to examine whether the proposed amendment seeks to introduce a claim which is *prima facie* barred by limitation or whether the objection involves disputed questions of fact which cannot appropriately be determined at that stage. The mere fact that the suit is at an initial stage does not, by itself, conclude the inquiry. The objection of limitation must receive due consideration at the stage of deciding the amendment application itself, and the Court must determine whether the material on record establishes a bar of limitation or whether the objection is otherwise not sustainable at that stage. The issue cannot be left open without examining the basis of the objection and recording a reasoned conclusion thereon.

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31. In the present case, the learned Trial Court noticed the objection of limitation but deferred its consideration to the stage of evidence, observing that the matter was at an initial stage and the issue could be decided on the basis of the evidence led by the parties. However, the impugned order does not indicate whether the documents relied upon by the petitioners were examined, or whether the objection raised by them was considered to be one which could be determined on the existing record or required evidence. The rival submissions on the respondent's alleged prior knowledge, and the material relied upon in support thereof, have thus not received consideration in the manner required while deciding the amendment application. This Court is not expressing any opinion on the effect of the aforesaid documents or on the question whether the proposed relief is barred by limitation. That determination must be undertaken by the learned Trial Court in the first instance.

32. The second objection concerns the alleged alteration in the nature and character of the suit. The suit, as originally instituted, seeks partition and injunctive relieves in respect of properties stated to have been acquired by the parties' deceased father. By way of the proposed amendment, the respondent seeks to implead petitioner no. 2 and introduce a declaration that the documents dated 25.03.1998, purportedly executed in her favour in respect of 75 sq. yds. of property No. A-1302, are null and void. The petitioners contend that this relief introduces a distinct and time-barred claim, whereas the respondent maintains that by the amendment has become necessary to address the claim of ownership set up by the petitioners in their written statement.

33. The fact that the proposed amendment concerns the same property which forms part of the subject matter of the suit is a relevant

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consideration, however, that circumstance, by itself, would not be sufficient to determine whether the amendment is permissible. The learned Trial court was required to examine whether the nature of the original pleadings, the basis on which the respondent seeks proposed declaration, and the effect of the amendment on the controversy already raised in the suit. In particular, it was necessary to consider whether the proposed relief is an elaboration of the existing dispute concerning the parties' respective rights in the subject properties, or whether it introduces a substantially distinct claim which alters the nature and character of the suit. The observation in the impugned order that petitioner no. 2 is the wife of petitioner no. 1 and that the issue of her alleged ownership was raised by petitioner no. 1 in his written statement does not, in itself, answer this question.

34. The aforesaid aspects assume significance in view of the principles laid down in **Revajeetu Builders *(Supra)***, and ***Life Insurance Corporation (Supra)***. While the Court is ordinarily required to adopt a liberal approach towards amendments which facilitate the determination of the real controversy and avoid multiplicity of proceedings, such discretion is to be exercised after considering the nature of the proposed amendment, the prejudice, if any, to the opposite party, and whether the amendment introduces a claim which is barred by limitation or fundamentally changes the nature of the suit. The impugned order does not reflect a consideration of the rival contentions in the context of these parameters. The learned Trial Court has, therefore, not adequately addressed the objections which were central to the decision on the application.

35. In these circumstances, this Court is of the view that the application warrants fresh consideration by the learned Trial Court.

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This Court refrains from expressing any opinion on the merits of the objections raised by either side, including the question of limitation, the effect of the documents relied upon by the petitioners, or whether the proposed amendment changes the nature and character of the suit. These are matters which must be considered by the learned Trial Court upon an independent assessment of the pleadings, the proposed amendments and the material placed before it. Accordingly, the impugned order dated 11.01.2024 is set aside. The application moved by the respondent under Order VI Rule 17 read with Section 151 CPC is restored to its original number and shall be decided afresh, after affording an opportunity of hearing both sides and by passing a reasoned order in accordance with law, preferably within a period of four weeks.

36. It is clarified that this Court has not expressed any opinion on the merits of the proposed amendment or on the rival claims of the parties in the suit. All contentions are left open. The learned Trial Court shall consider the application independently and shall not be influenced by any observations made in the present judgment.

37. The present petition is allowed in the aforesaid terms. Pending application(s), if any, also stand disposed of.

38. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

NOVEMBER 4, 2026/*AS/os*

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