



2026:DHC:2441



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

Date of decision: 19th MARCH, 2026

IN THE MATTER OF:

I.A. 14915/2025

IN

+ **CS(OS) 728/2022**

ANITA MALHOTRA

.....Plaintiff

Through: Mr. Vivek Singh, Ms. Kirti Mewar, Ms. Mana Singh, Advs.

versus

SATISH KUMAR SOOD AND ORSDefendant

Through: Mr. Kartik Nagarkatti and Mr. SanchitGawri, Advs for D-1, 3 & 4.
Mr. Vikas Mishra, Mr. Nilay Kaushal and Mr. Krishna Dev Yadav, Advs for D-2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

I.A. 14915/2025

1. This is an application under Order VI Rule 17 of the CPC on behalf of the Plaintiff for amendment of the plaint.
2. The Plaintiff has filed the instant suit with the following prayers:-

“a) Pass a Decree of mandatory injunction directing the Defendants to disclose the details of Will of Smt. Bachitra Rani Sood and file the same on record and further provide details of properties and assets of Late Smt. Bachitra Rani Sood w.e.f. 2004/05 till the time of



her death; and/ or

Upon the Defendants providing the above details:-

b) Pass a Decree of declaration thereby declaring all illegal, fraudulent and wrongful transfers of the assets of Late Smt. Bachitra Rani Sood during the period when she medically unfit to take any decision purportedly by or in the name of Late Smt. Bachitra Rani Sood after 2004/ 2005 as illegal, null, void, fraudulent.

c) Pass a preliminary Decree of partition with respect to the movable and immovable assets of Late Smt. Bachitra Rani Sood.

d) Pass a final Decree of Partition thereby dividing the movable and immovable assets of Late Smt. Bachitra Rani Sood by metes and bounds and order auction of such properties which cannot be divided.

e) Pass a Decree of rendition of accounts calling upon the Defendants to render of accounts of profit, income, rent, benefits, dividends etc. from the properties which are held to be belonging to the deceased Smt. Bachitra Rani Sood and order the Defendants to pay the Plaintiffs share of such profits etc. to the Plaintiff.

f) Pass a decree of permanent injunction thereby restraining the Defendants, their successors, agents, representative, attorney etc., from alienating, transferring and I or creating any third party interest in the properties left behind by Late Smt. Bachitra Rani Sood; and / or

g) Pass any other or further order(s) as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.”



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3. The Plaintiff and the Defendants No.1 to 4 are siblings. It is stated that the family of the Plaintiff belong to a prominent family in Delhi who has been controlling 'Eros Group'.

4. It is the case of the Plaintiff that the Plaintiff got married in the year 1977. It is stated that the Plaintiff's family developed some differences with her husband and more particularly Defendant No.2, i.e., sister of the Plaintiff, who tried to poison the minds of her parents for grabbing the Suit Properties.

5. It is stated that the mother of the Plaintiff and Defendant No.1 to 4 passed away on 12.11.2012 and the father of the Plaintiff passed away on 26.04.2020. It is stated that the Plaintiff was not treated well by her siblings though she had extremely cordial relationship with her mother.

6. It is stated that at the time of the death of her mother, she was survived by six Class I legal heirs, i.e., her husband, Defendants No.1, 3 & 4, being sons and two daughters, i.e., Plaintiff and Defendant No.2. After the Plaintiff's father passed away, there are five Class I legal heirs, i.e., the Plaintiff and the Defendants.

7. It is also stated that the Plaintiff's parents also had some serious matrimonial issues. The Plaintiff's mother was extremely emotional, insecure and wanted to secure herself with sufficient assets in her name and therefore she insisted that most of the shares of the Eros Group companies and R.C. Sood & Co. Pvt. Ltd. continue to stand in her name.

8. It is stated that respecting the wishes of the Plaintiff's mother, most of the shares were transferred by her father in the name of her mother. The Plaintiff's mother had to go to London for treatment and surgeries. The Plaintiff was with her mother during July, 2005 to November, 2005. It is



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stated that the Plaintiff's mother against the advice of medical team in London was shifted back to Delhi (at the instance of the Defendants) which affected her health.

9. It is the case of the Plaintiff that even after the death of her mother, there was an unsaid understanding between all the family members that the properties/assets owned by the Plaintiff's mother, which were under the custody and control of the father would be handed over to the beneficiaries when the Plaintiff's father finds it right and convenient and that the Plaintiff always assumed and understood that there would be transparency in all the dealings with respect to the estate left by her mother. It is stated that she did not doubt the intentions of her siblings as everybody in the family was well off and she was assured that she would not be deprived of her rightful share in the estate of her mother.

10. It is stated that the Plaintiff's father passed away on 26.04.2020 and he neither made any disclosure with respect of the wealth/assets of the Plaintiff's mother nor did he distribute the same to the other sister, i.e., Defendant No.2. It is stated that the Plaintiff started making enquiry about the estate but there was no cooperation from the family.

11. It is stated that despite numerous letters, there was no reply from the Defendants regarding the details of the movable and immovable properties left behind by their mother.

12. It is stated that for the first time somewhere in the year 2007, the mother of the Plaintiff had told her that she had executed a Will in the year 2004 bequeathing 50% of her property in favour of the Plaintiff and remaining 50% was bequeathed in favour of the sister of the Plaintiff, i.e., Defendant No.2. It is stated that the Plaintiff has not been able to find out the



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details of said Will.

13. It is stated that the Plaintiff was always under the impression that if at all there is a Will she is entitled to 50% of her mother's estate, but the Plaintiff's mother died intestate. It is stated that the Plaintiff later became aware of serious manipulation and transfer of the assets and properties belonging to her mother during her lifetime. The plaintiff alleges that these manipulations were carried out by the Defendants and are fraudulent in nature. The Plaintiff on the basis of these averments has approached this Court by filing the present Suit seeking declaration, partition, rendition, mandatory and permanent injunction.

14. Summons were issued on 19.12.2022. Detailed written statements have been filed by Defendant No.2, i.e., sister of the Plaintiff, and Defendants No.1, 3 and 4, i.e., brothers of the Plaintiff.

15. A common stand taken in both the written statements is that during her lifetime, the mother of the Plaintiff and Defendant Nos. 1 to 4 had sold, gifted, and transferred several of her properties to various family members. It is further stated that she also left behind a Will dated 28.02.2012.

16. Defendant No.2 in Paragraph 3.6 of her written statement has given a table of all transfers made by their mother during her lifetime whereby shares and properties have been transferred in favour of Defendant No.2.

17. Similarly, Defendant No.1, 3 and 4 have also given details of various transfers made by their mother during her lifetime. Paragraph 5(vi) of their written statement details various transfers. The written statements also states that apart from the other transfers, there were other loans and share transfers during her lifetime which were in the knowledge of the Plaintiff.

18. On coming to know of the facts stated in the written statements filed



by the Defendants, the Plaintiff has filed the present application under Order VI Rule 17 of the CPC seeking amendment of plaint and the Plaintiff has chosen to implead certain companies which were being run by her mother and a Trust wherein the properties, shares of her mother have been transferred.

19. By way of the said amendments, the Plaintiff has specifically challenged the transfer of shares, allotment of properties, and the gifts made by her mother during her lifetime in favour of the Defendants. The Plaintiff alleges that these transactions are fraudulent in nature and are the result of manipulation and forgery. Details have been sought to be given in the application seeking amendment of the plaint showing as to how the conveyance deed, gift deeds etc. are product of fraud.

20. Apart from amending the pleadings, and the memo of parties, the Plaintiff has chosen to amend the title of the Suit. Paragraph 24 of the plaint has been amended challenging various transfers, gifts of the properties of her mother which the Plaintiff came to know through the Written Statement.

21. Paragraph 25, the Plaintiff has also prayed for amending the prayer clause which now reads as under:-

“H. That in view of the amendment in the pleading and the prayers sought, the Plaintiff seeks to amend the prayer clauses. This Hon'ble Court may be pleased to allow the Plaintiff to amend the prayer clause as under:-

a) Pass a Decree of Declaration thereby declaring the Will and testament dated 28.02.2012 of Late Smt. Bachitra Rani Sood as null and void and consequently hold that the Plaintiff and Defendant nos.1 to 4 are the owners of 1/5th share each of the estate of Late Smt.



Bachitra Rani Sood;

b) Pass a Decree of Declaration thereby declaring the documents and transfers/ assignments of documents in paragraph no. 24(XI) as illegal, null and void, and further declaring the same to be the properties left behind by Smt. Bachitra Rani Sood and liable to be partitioned amongst her legal heirs, with each having 1/5th share,

c) If prayer (a) and (b) are allowed in favour of the Plaintiff by this Hon'ble Court, then pass a Preliminary Decree of Partition with respect to the movable and immovable assets of Late Smt. Bachitra Rani Sood, i.e.:

(i) 1,06,885 equity shares of M/s R.C. Sood & Company Private Limited.

(ii) 68,000 equity shares of M/s R.C. Sood & Company Private Limited.

(iii) 17,000 equity shares of M/s R.C. Sood & Company Private Limited.

(iv) 2,53,000 equity shares with differential rights of M/s Ajay Enterprises

(v) 12,76,600 equity shares of M/s Nehru Place Hotels Private Limited

(vi) 4,813 equity shares of M/s Eros City Developers Private Limited

(vii) 3,27,600 equity shares of M/s R.C. Sood & Co. Developers Private Limited.



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(viii) Space no. 207, F Block, International Trade Tower, Nehru Place, New Delhi.

(ix) Space No. 208, F Block, International Trade Tower, Nehru Place, New Delhi.

(x) Space no. 211, F Block, International Trade Tower, Nehru Place, New Delhi.

(xi) Plot No. A-42, Lakewood City, Surajkund Road, Faridabad, Haryana.

(xii) Plot No. A-46, Lakewood City, Surajkund Road, Faridabad, Haryana.

(xiii) Plot No. A-47, Lakewood City, Surajkund Road, Faridabad, Haryana.

(xiv) Plot No. C-66, Lakewood City, Surajkund Road, Faridabad, Haryana.

(xv) Plot No. C-67, Lakewood City, Surajkund Road, Faridabad, Haryana.

(xvi) Plot No. D-98, Lakewood City, Surajkund Road, Faridabad, Haryana.

(xvii) Jewelry of Late Smt. Bachitra Rani Sood.

(xviii) Amount of Rs. 6.30 Crores.

d) Pass a Final Decree of Partition in favour of the Plaintiff and against the Defendants thereby partitioning the movable and immovable assets of Late Smt. Bachitra Rani Sood by metes and bounds, or in the alternative, in case if this Hon'ble Court comes to the conclusion that the properties are incapable of being physically partitioned by metes and bounds,



then, the same be auctioned in accordance with Law and the Plaintiff be given an amount equivalent to the value of her share in the same;

e) Pass a Decree of rendition of accounts calling upon the Defendants to render accounts of profit, income, rent, benefits, dividends etc., from the properties which are held to be belonging to the Late Smt. Bachitra Rani Sood and order the Defendants to pay the Plaintiff's share of such profits etc. to the Plaintiff;

f) Pass, a Decree of permanent injunction thereby restraining the Defendants, their successors, agents, representative, attorney etc., from alienating, transferring and / or creating any third-party interest in the properties left behind by Late Smt. Bachitra Rani Sood; and / or

g) Pass any other or further order(s) as this Hon'ble court may deem fit and proper in the facts and circumstances of the case."

22. Replies have been filed by the Defendants. In the reply, the Defendants have taken two primary objections: (i) that the amendment sought by the Plaintiff is hit by the law of limitation and, (ii) that the Plaintiff was aware of the Will dated 28.02.2012.

23. It is stated by the Defendants that it cannot be said that the Plaintiff was not aware of these transfers as these share transfers were reflected in the record of the companies and forms part of the annual statutory filings making the share transfer part of public record. The Defendants rely on Article 58 of the Limitation Act stating that the relief of declaration has to be filed within three years when the right to sue first occurs. They also rely on Article 113 of the Limitation Act which is the residuary clause along with



Section 17 of the Limitation Act which provides for limitation in case of Suits related to fraud or mistake.

24. It is the specific stand of the Defendants that the Plaintiff has come with the patently false case as she always knew of all the transfers as well as the Will and therefore the suit should have been filed at least within three years of the death of their mother or within three years from the date when the shares were transferred and the gifts were made to the Defendants.

25. Heard learned Counsel for the parties and perused the material on record.

26. Learned Counsel for the Plaintiff states that the Plaintiff came to know of these transfers only when the written statements were filed by the Defendants and that it is only after reading the written statements, the present application under Order VI Rule 17 of the CPC has been filed.

27. *Per contra*, learned Counsel for the Defendants states that an entirely new case is now being sought to be pleaded. It is stated that these amendments are a complete abuse of the process of law and the amendment sought for are patently barred by limitation.

28. The law regarding amendment of plaint under Order VI Rule 17 of the CPC has been crystallized by the Apex Court in several judgments. As early as in the year 1957, the Apex Court in L.J. Leach & Co. Ltd. v. Jardine Skinner & Co., **1957 SCC OnLine SC 68**, has observed as under:-

“16. It is no doubt true that courts would, as a rule, decline to allow amendments, if a fresh suit on the amended claim would be barred by limitation on the date of the application. But that is a factor to be taken into account in exercise of the discretion as to whether amendment should be ordered, and does not affect the power of the court to order it, if that is required in the



interests of justice.”

29. Relying on L.J. Leach (supra), the Apex Court in T. N. Alloy Foundry Company Limited v. T.N. Electricity Board&Ors., (2004) 3 SCC 392, has observed as under:-

“2. Shri T.L.V. Iyer, learned Senior Counsel appearing for the appellant, urged that the view taken by the High Court in rejecting the amendment of the appellant was erroneous. The law as regards permitting amendment to the plaint, is well settled. In L.J. Leach and Co. Ltd. v. Jardine Skinner and Co. [AIR 1957 SC 357 : 1957 SCR 438] it was held that the Court would as a rule decline to allow amendments, if a fresh suit on the amended claim would be barred by limitation on the date of the application. But that is a factor to be taken into account in exercise of the discretion as to whether amendment should be ordered, and does not affect the power of the court to order it.”

30. In Ganga Bai v. Vijay Kumar &Ors., (1974) 2 SCC 393, the Apex Court has held as under:-

*“22. The preliminary decree had remained unchallenged since September, 1958 and by lapse of time a valuable right had accrued in favour of the decree-holder. **The power to allow an amendment is undoubtedly wide and may at any stage be appropriately exercised in the interest of justice, the law of limitation notwithstanding. But the exercise of such far-reaching discretionary powers is governed by judicial considerations and wider the discretion, greater ought to be the care and circumspection on the part of the Court.** The appeal in terms was originally directed against the finding given by the trial court that the partition was sham and colourable. “Being aggrieved by the finding given in the Judgment*



and the Decree ... it is humbly prayed that findings given by the learned Judge in Para 34 of his Judgment may kindly be set aside, and instead the partition deed dated January 11, 1956 may kindly be declared as genuine” — so ran the Memorandum of Appeal. Defendants 2 and 3 reiterated through their counsel by filing a note to explain the payment of fixed court fees of Rs 20 that they were “seeking the relief of declaration only” and therefore the court fee paid was proper and sufficient. Long years thereafter, the High Court allowed the Memorandum to be amended — not a reason was cited to explain the delay and not a reason was given to condone it. And it was not appreciated that in granting time to Defendants 2 and 3 to make up the deficit of the court fees 7½ years after the appeal was filed, an amendment was being allowed which had its impact not only on the preliminary decree but on the final decree which was passed in the meanwhile, the auction sale which was held in pursuance of the final decree and the sale certificate which was granted to the appellant who, with the leave of the Court and in full satisfaction of her decree, had purchased a joint ½ share in the mortgaged property. With the striking down of the preliminary decree, these proceedings had to fall but the error really lay in allowing the amendment so as to permit, without good cause shown, a belated challenge to the preliminary decree.”

(emphasis supplied)

31. In Pankajav vs. Yellappa, **2004 (6) SCC 415**, the Apex Court has held as under:-

“12. So far as the court's jurisdiction to allow an amendment of pleadings is concerned, there can be no two opinions that the same is wide enough to permit amendments even in cases where there has been substantial delay in filing such amendment



applications. This Court in numerous cases has held that the dominant purpose of allowing the amendment is to minimise the litigation, therefore, if the facts of the case so permit, it is always open to the court to allow applications in spite of the delay and laches in moving such amendment application.

13. But the question for our consideration is whether in cases where the delay has extinguished the right of the party by virtue of expiry of the period of limitation prescribed in law, can the court in the exercise of its discretion take away the right accrued to another party by allowing such belated amendments.

14. The law in this regard is also quite clear and consistent that there is no absolute rule that in every case where a relief is barred because of limitation an amendment should not be allowed. Discretion in such cases depends on the facts and circumstances of the case. The jurisdiction to allow or not allow an amendment being discretionary, the same will have to be exercised on a judicious evaluation of the facts and circumstances in which the amendment is sought. If the granting of an amendment really subserves the ultimate cause of justice and avoids further litigation the same should be allowed. There can be no straitjacket formula for allowing or disallowing an amendment of pleadings. Each case depends on the factual background of that case.

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16. This view of this Court has, since, been followed by a three-Judge Bench of this Court in the case of T.N. Alloy Foundry Co. Ltd. v. T.N. Electricity Board [(2004) 3 SCC 392]. Therefore, an application for amendment of the pleading should not be disallowed merely because it is opposed on the



ground that the same is barred by limitation, on the contrary, application will have to be considered bearing in mind the discretion that is vested with the court in allowing or disallowing such amendment in the interest of justice.

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18. We think that the course adopted by this Court in Ragu Thilak D. John case [(2001) 2 SCC 472] applies appropriately to the facts of this case. The courts below have proceeded on an assumption that the amendment sought for by the appellants is ipso facto barred by the law of limitation and amounts to introduction of different relief than what the plaintiff had asked for in the original plaint. We do not agree with the courts below that the amendment sought for by the plaintiff introduces a different relief so as to bar the grant of prayer for amendment, necessary factual basis has already been laid down in the plaint in regard to the title which, of course, was denied by the respondent in his written statement which will be an issue to be decided in a trial. Therefore, in the facts of this case, it will be incorrect to come to the conclusion that by the amendment the plaintiff will be introducing a different relief.” (emphasis supplied)

32. After relying on all these judgments, the Apex Court in Life Insurance Corporation of India v. Sanjeev Builders Private Limited, 2022 (16) SCC 1, has observed as under:-

“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:

71.3.1. If the amendment is required for effective and proper adjudication of the controversy between the parties.

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:

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.

71.4.3. The prayer for amendment is mala fide, or

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. (See Vijay Gupta v. Gagninder Kr. Gandhi [Vijay Gupta v. Gagninder Kr. Gandhi, 2022 SCC OnLine Del 1897] .)”
(emphasis supplied)

33. Applying the said law to the facts of this case, the objection raised by the Defendants opposing the amendment cannot be sustained. The question as to whether the Plaintiff was aware of the Will or not can only be ascertained during trial.

34. Limitation is a mixed question of law and facts and the question of knowledge is a pure question of fact. A reading of the plaint, as framed, does not give any indication whether the Plaintiff had any knowledge of transfer of shares, rather the plaint discloses that the Plaintiff made repeated requests to the Defendants and the companies to inform her about the nature of transfers for which she did not get any response.

35. In the written statements, additional facts have been brought on record and therefore the Plaintiff has to necessarily move an application for amendment of plaint to challenge the transfers given on the ground that they are fraudulent. The amendments are therefore necessary for the proper adjudication of the case, particularly to determine whether the Plaintiff is entitled to the declarations sought. The reliefs in the plaint, as originally framed, were omnibus in nature; however, upon disclosure of facts in the written statements, the Plaintiff has now sought to make the pleadings more specific through the proposed amendments.

36. The Suit is at a very initial stage and therefore the law laid down by the Apex Court that courts must be exceedingly liberal in the matter of



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amendment and in view of the fact that it cannot be said on the face of the plaint and the written statements that the amendments which are now being sought to be included are patently barred by limitation. This Court is inclined to allow the amendment as sought for by the Plaintiff including the memo of parties. The amended memo of parties is taken on record. Let the amended plaint be placed on record.

37. The application is allowed.

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List before the learned Joint Registrar for completion of pleadings on 18.05.2026.

SUBRAMONIUM PRASAD, J

MARCH 19, 2026

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