

IN THE COURT OF SENIOR CIVIL JUDGE, CENTRAL DISTRICT,
TIS HAZARI COURTS, DELHI
CIVIL SUIT NO. _____/2020

IN THE MATTER OF

Mr. X

...PLAINTIFF/APPLICANT

VERSUS

Mr. Y

...DEFENDANTS/RESPONDENTS

N.D.O.H: *****

APPLICATION ON BEHALF OF THE PLAINTIFF/APPLICANT UNDER ORDER 6
RULE 17 C.P.C. FOR AMENDMENT IN PLAINT

MOST RESPECTFULLY SHOWETH:

1. That this suit for permanent and mandatory injunction against the Defendants/Respondents is being filed in order to restrict the Defendants from illegally withdrawing amount of USD _____ by playing fraud on plaintiff/applicant.
2. That the Plaintiff/Applicant is a partnership firm dealing in various species of wood and timber products in the name and style of "X".
3. That through this application, the Plaintiff/Applicant humbly seeks indulgence of this Learned Court for seeking permission to amend the prayer clause; the proposed amendment is as follows:

*"Pass permanent and mandatory injunction in favour of the plaintiff and against the defendants thereby restraining the Defendant no. 3 from making any payment to the Defendant no. 2 or Defendant no. 1 against Commercial Invoice dated ***** for an amount of _____ under the LC bearing No. _____ ;*

*Pass permanent and mandatory injunction in favour of the plaintiff and against the defendants thereby restraining the defendant no. 1&2 from raising a demand against commercial invoice dated ***** for an amount of USD _____ under the LC bearing No. _____ ;*

4. That inadvertently, aforesaid prayer clauses could not be added in the plaint therefore, permission is sought from this Learned Court for amendment of plaint as stated above inter-alia on the following grounds:
5. That the aforesaid amendment is not inconsistent with the original suit of the plaintiff/applicant

6. That the omission to mention the prayer clauses as stated above as proposed amendment was neither intentional nor deliberate rather it was inadvertently not mentioned.
7. That the proposed amendment goes to the root of the case and in order to determine the real question in controversy by this Learned Court, it is necessary that proposed amendment may be allowed.
8. That if the Plaintiff/applicant is not allowed to amend the plaint as proposed above, the Plaintiff/Applicant will suffer an irreparable loss.

PRAYER

In the light of the abovementioned facts and circumstances Plaintiff/Applicant most humbly prays to this Hon'ble Court:

1. To allow this application;
2. To take the amended plaint on record.
3. Pass any such other relief(s) which this Hon'ble Court may deem fit and proper in the interest of justice in favour of the Plaintiff/Applicant and against the Respondent(s)/Defendant(s).

AND FOR THIS ACT OF KINDNESS THE HUMBLE APPLICANT/PLAINTIFF AS
IN DUTY BOUND SHALL EVER PRAY

APPLICANT/PLAINTIFF
THROUGH

NITINYAYA LAW OFFICES
Advocate(s) for the Applicant/Plaintiff
Chamber No.103, New Lawyers Chambers
CK Daphtary Block, Tilak Lane
Supreme Court of India, New Delhi-110001
Contact no.:09818085505, 011-45009902
Email id- info@nitinyaya.com

VERIFICATION:

Verified at Delhi on this ___ day of _____, _____ that the contents of the above paras 1 to 8 of the Application are true to my knowledge and are true on information received and believed to be true.

Last para is prayer to this Hon'ble Court.

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AFFIDAVIT

I _____ S/o _____ R/o _____ aged __ years, do
hereby solemnly affirm and declare as under:

1. I say that I am the Plaintiff in the above captioned suit and well conversant with the facts and circumstances of the case and is competent to depose the present affidavit.
2. I say that the accompanying application has been drafted by my counsel on my instructions, contents whereof are true and correct to my knowledge and the same may kindly be read as part and parcel of present Affidavit which for the purposes of brevity are not being reproduced herein.

DEPONENT

VERIFICATION:

Verified at New Delhi on this __ day of _____, _____, that the contents of the above affidavit are true to my knowledge, nothing is false and nothing material has been concealed.

DEPONENT