

SUPREME COURT OF INDIA

Tara V. Ganju

Vs.

Basant and Co.

C.A.No.6273 of 2013

(K.S. Radhakrishnan and Pinaki Chandra Ghose JJ.)

06.08.2013

JUDGMENT

K. S. RADHAKRISHNAN, J

1. Leave granted.

2. The appellant herein instituted a suit on the original side of the High Court of Delhi which was registered as CS (OS) No.1861 of 1995 for a decree of declaration, cancellation, permanent injunction, possession and damages regarding property known as Lakshmi Niwas with the superstructure and also for the consequential reliefs. Few applications for amendments of the plaint were also filed earlier, followed by the present on 04.03.2005, before the trial court proposing amendment to the valuation para of the plaint and also to bring on record a subsequent event. The said application was filed proposing amendment enhancing the valuation of the suit from Rs.15,00,000/- to Rs.25,25,530/-. Had the amendment been allowed it would have resulted in ousting the pecuniary jurisdiction of the trial court and would have transferred the suit back to High Court. Yet another amendment proposed, was to bring on record the subsequent event of vacation of the suit property by tenant M/s Osram Surya (I) Pvt. Ltd. Learned Additional Judge dismissed the application for amendment vide order dated 06.10.2009, which was challenged by the appellant before the High Court and the same was also rejected vide order dated 11.12.2009. Hence, this appeal by special leave.

3. Shri Jayant Bhushan, learned counsel appearing for the appellant submitted that what weighed with the courts below was that if the amendment was allowed then

the trial court would cease to have jurisdiction and matter should have passed over to the High Court. Learned counsel, referring to the Judgment of this Court in *Lakha Ram Sharma v. Balar Marketing Private Limited* (2008) 17 SCC 671 submitted that merely because an amendment may take the suit out of jurisdiction of that court is no ground for refusing an application preferred under Order VI Rule 7 of the Code of Civil Procedure.

4. Ms. Bina Madhavan, learned counsel appearing for the respondents, on the other hand, contended that there is no infirmity in the orders passed by the courts below warranting interference. Frequent applications for amendment in the plaint and subsequent challenge to the orders before the highest court have caused considerable delay in the final disposal of the suit in question. In order to give a quietus to the matter, counsel on either side suggested that a time limit be fixed for early disposal of the suit.

5. Considering the entire facts and circumstances of the case, to give a quietus to the litigation and to avoid further multiplicity of litigation, we are inclined to allow the application for amendment preferred by the appellant and direct the trial court to dispose of the suit in accordance with law, at the earliest, preferably within a period of six months from the date of receipt of this order. Ordered accordingly. Parties will cooperate for the early disposal of the suit and the court would ensure that unnecessary adjournments be not granted to the parties. Orders passed by the courts below are accordingly set aside. The respondents are given three weeks time to file their amended written statement. The appeal is disposed of, as above, with no order as to costs.