

204 (2013) DELHI LAW TIMES 274 (DB)

DELHI HIGH COURT

Badar Durrez Ahmed & Vibhu Bakhru, JJ.

VED PRAKASH YADAV—Appellant

versus

NARAYAN DAS (DECEASED) THROUGH LEGAL HEIRS & ORS.—

Respondents

FAO (OS) 424 of 2013—Decided on 17.9.2013

**Civil Procedure Code, 1908 — Order 6 Rule 17 — Amendment of
Plaint — Rejection of plaint for not disclosing any cause of action — Plaintiff
survived only with regard to relief of mandatory injunction which
appellant/plaintiff sought in suit — Before Division Bench appellant/plaintiff
had categorically stated that only relief which plaintiff sought to press was
relief with regard to latter part of prayer (Injunction) of plaint as it originally
stood — Having made that statement, appellant/plaintiff cannot now alter
course of suit.**

[\[Paras 3 to 6 & 11\]](#)

Result: Appeal dismissed.

Cases referred:

1. *Sampath Kumar v. Ayyakannu and Anr.*, [V \(2002\) SLT 360](#). (Relied) [\[Para 7\]](#)

2. *B.K.N. Pillai v. P. Pillai & Anr.*, [X \(1999\) SLT 451](#). (Relied) [\[Para 7\]](#)

3. *Delhi Wakf Board v. Jagdish Kumar Narang & Ors.*, (1997) 10 [\[Para 7\]](#)
SCC 192. (Relied)

Counsel for the Parties:

For the Appellant : *Mr. R.M. Sinha, Advocate.*

For the Respondents : *Mr. Kirti Uppal, Sr. Adv. with Ms. Aastha Dhawan,
Advocate.*