

CS DJ 464/23 Rajesh Kathpal Vs. M/S Thukral Steel Corporation

21.07.2026.

Present :- None.

File is taken up for orders on application under Order 6 Rule 17 CPC filed by the plaintiff.

O R D E R

Arguments have already been heard. Record is perused carefully.

The application is opposed on the ground that the case is already fixed for evidence and if the application is allowed, it will result into fresh filing of written statement and issues, so it will be a case of fresh trial.

This Court has given thoughtful consideration to the contentions made. It is stated on behalf of the plaintiff that the present suit relating to commercial activity was filed under the premises that it would be dealt with the Commercial Court Act and accordingly, the verification was not filed and it is also realized that though the plaint was bearing the signatures, a white fluid has been applied, so vide the amendment, the plaint is sought to be verified and signed. Record shows that the plaint is accompanied by affidavit and it is correctly stated that though it was bearing the signatures, a white fluid has been applied. As the plaint is not bearing the signatures as a consequence and it is also not bearing the verification clause, there exists an irregularity in between. But a duly sworn affidavit is filed with the plaint. Absence of verification clause is also seen because as per Section 15A of Commercial Court Act, the pleadings in commercial dispute have to be verified by an affidavit. In **Vidyawati Gupta & Others Vs. Bhakti Hari Nayak & Ors**, AIR 2006 SC 1194 Hon'ble Apex Court set a significant

precedent in civil procedure holding that procedure lapses do not automatically invalidate a suit. It empowers the Court to exercise discretion in rectifying defects, thereby ensuring that justice is not denied due to technicalities. It is also held that amendment effected to Section 26, Order 4 and Order 6 Rule 15 CPC are geared to achieve the object of elimination of procedural delays in disposal of civil matters but being procedural in nature, they are only directory in nature and non-compliance thereof would not automatically render the plaint non-est. So, strengthened by this judgment, this Court is of the view that these irregularities can be allowed to be closed. Further, as no addition, deletion or any change in the facts stated in the plaint is sought to be made vide this application, this Court finds no reason for defendant to be called to file an amended written statement or change or there is any necessity for reconsideration of the issues by the Court, so no prejudice shall be caused to the defendant. But if the amendment is allowed, it would only allow the plaintiff to remove technical mistakes. **Hence the application in hand is allowed. Amended plaint is hereby taken on record.**

As there is no change in the facts stated in the plaint, no liberty to the defendant to file any amended written statement is granted.

Further, it is also clarified that since a number of opportunities have already been granted to plaintiff to lead PE, only one last and final opportunity is granted to him to lead PE.

Now, put up for PE on 12.01.2027.

(Aanchal)
District Judge-03, Rohini Courts
North District, Delhi
21.07.2026(amt)