

KABC170004222025



**IN THE COURT OF LXXXII ADDL.CITY CIVIL &
SESSIONS JUDGE, COMMERCIAL COURT,
BENGALURU (CCH-83)**

**PRESENT: SRI. VIDYADHAR SHIRAHATTI, LL.M.,
LXXXII ADDL.CITY CIVIL & SESSIONS JUDGE,
BENGALURU.**

Com.O.S.No. 135/2025

Dated on this 06th Day of March 2026

Plaintiff M/s Total Oil India Private Limited

// versus //

**Defendants M/s Ganga Gas Distribution and
Another**

ORDER ON I.A. NO.23

The Defendants filed this application under Order 6 Rule 17 read with Section 151 of CPC seeking a relief of

amendment of their written statement in the interest of justice and equity.

2. The Advocate for Plaintiff has filed objections and objected to amend their written statement and he prayed to dismiss the application with exemplary cost.

3. I have heard the arguments of the learned Advocate for Plaintiff and Defendant.

4. Based on the contentions of the respective parties, submissions made by the learned Advocates for both parties, I formulate the following Points for my consideration:-

1. Whether the Defendant has made out grounds to allow I.A.No. 23 under Order VI Rule 17 read with Section of CPC for amendment of written statement ?
2. What Order ?

5. My findings are as follows:-

Point No. 1 : - In the **Negative**.

Point No. 2 : - As per my final orders for the following reasons.

REASONS

6. Point No. 1 : - The Defendants have filed this application on 01.04.2025 under Section 6 Rule 17 read with Section 151 of CPC for seeking a relief of amendment of written statement after para-8 as 8a. The proposed amendment sought as under:

7. It is assigned the reasons that, the amendment is necessary to bring it to the knowledge of this court about the said aspect as prayed in the accompanying application and moreover during the pendency of this suit the plaintiff company has also entered into an agreement in 2015 in respect of dealership business of dispensing auto LPG and its products. The plaintiff company has also filed an arbitration case against the Defendant being the proprietor of the Ganga Auto Gas which is pending before the Arbitral Tribunal Bangalore in AC No. 301/2022. The above aspects

are brought to the knowledge of the court and it is necessary to amend the written statement as it is subsequent development. Hence, he prayed to allow the application.

8. The Plaintiff has taken a contention that, this suit was filed in the year 2013 and defendant was filed written statement in the year 2014. After the defendant has filed application under Section 8 of Arbitration and Conciliation Act in many times. However, the said application was came to be dismissed. The defendant and their counsel again were not present before the court and plaintiff has already concluded his evidence when case is posted for defendant evidence stage, the defendant come with this application to drag the proceedings. When the matter was in arguments the defendant was filed recall and reopen application dated 19.08.2022, 29.08.2022 and 15.09.2022. However, this court has allowed the application in many times and defendant has not lead evidence and filed this application again on the ground

that there is an arbitration clause. Hence, prayed to dismiss the application.

9. I have gone through the application, objection and order sheet, the defendant has filed written statement on 25.02.2014 and chief-examination of plaintiff was concluded and subsequently the case was posted for cross-examination of Pw.1 and Pw.2 and also defendant was filed recall and reopen applications and same has been allowed and case was posted for Judgment on 19.08.2022. However, recall and reopen application was filed on 29.08.2022, subsequently the case was posted for the stage of cross-examination of Pw.1 and Pw.2. Therefore, the case is posted for arguments again the defendant has filed an application for recall and reopen and now the case was transferred from City Civil Court to Commercial Court and Defendant has filed this application for amendment of written statement. However, after completion of the evidence of plaintiff it is not good ground to allow the application. As the proposed amendment is devoid of merits and there is no any grounds to allow the

amendment application. Therefore, the defendant has failed to make out a reasons. The proposed amendment are sought for only to drag the proceedings. However, the proposed amendment is not required to complete adjudication of the suit. **Accordingly, I answer Point No.1 in negative**

10. Point No.2 : Accordingly, I pass the following;

ORDER

I.A.No.23 filed by the Defendants under VI Rule 17 read with Section 151 of CPC is hereby dismissed with cost of Rs. 5,000/-.

For Defendant evidence as a last chance by 12.03.2026.

(Dictated to the Stenographer, transcribed by her, verified by me and pronounced in the open court on **06th day of March 2026**).

**(VIDYADHAR SHIRAHATTI),
LXXXII Addl. City Civil & Sessions Judge,
Bengaluru.**