

Heard counsel for
both parties on IA-3.

ORDERS ON IA-III

Heard both side.

2. The defendant has filed this application under Order VI Rule 17 of Code of Civil Procedure, seeking permission of this court, to amend his written statement to add additional paragraph in paragraph No.6. In the affidavit filed in support of the application it is contended that the proposed amendment is very much necessary and if allowed will not change the cause of action or alter the defence already taken by him in his written statement and that no harm will be cause to the plaintiff if the application is allowed. Hence prayed for allowing his application.

3. The plaintiff has filed objections to the application contending that, the defendant has come up with the application after the evidence of plaintiff and that if the defendant is permitted to amend his written statement it will cause serious damage to the suit of plaintiff and thus she prayed to dismiss the application filed by defendant.

4. Ofcourse, under the proposed amendment the defendant intends to plead new facts and take new and divergent plea already taken in his written statement. In this regard Order VI Rule 17 of CPC., which deals with the amendment of pleadings, empowers the court to allow amendment of pleadings, at any stage of the proceedings, which is found necessary for the purpose of determining the real questions in controversy between parties. The amendment of pleadings being procedural in nature, the same should be liberally granted. The rule also provides for allowing amendment even after the commencement of trial, if the court

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comes to the conclusion that in spite of due diligence, party could not have raised the matter before commencement of trial. It is also clear that the power conferred under this rule is entirely discretionary to be used judicially on consideration of the circumstances of each case. The object of the rule is to avoid multiplicity of suits.

5. It is well established law that, court must be very liberal in allowing amendment to the written statement, than in case of amendment of the plaint. Further, it is open to a defendant to take even contrary stands or contradictory stands in his written statement. Therefore, addition of a new ground for defence or substituting or altering a defence or taking inconsistent pleas in the written stamen would not be objectionable. In the instant case according to defendant it intends to plead some more facts in their written statement which they came to know recently. The case stood posted for cross of PW1, as such there appears no malafides in making this application and the reason offered by the defendant for not mentioning these facts in his original written statement appears to be bonafide.

6. Moreover, the rule of amendment is essentially a rule of justice, equity, and good conscience and the power of amendment should be exercised in the larger interest of doing full and complete justice to the parties before the court. A party cannot be refused relief merely because of some mistake, negligence, inadvertence or infraction of the rules of procedure. The real intention of the court is to render cost effective and speedy justice, thus to avoid multiplicity of proceedings. The amendment sought if not allowed, it will definitely lead to multiplicity of proceeding.

7. No doubt, there is delay in filing the amendment application. The inconvenience that may be caused to the plaintiff



by the proposed amendment may be compensated by awarding costs. For all these reasons, it is a fit case to exercise discretion to permit the defendant to amend the written statement as prayed. Hence, I proceed to pass the following;

ORDER

I.A.No.III filed by defendant under Order VI Rule 17 CPC, is hereby allowed. But, the defendant shall pay costs of Rs.500=00 to the plaintiff.

For amendment, Amended W/S and for rejoinder, if any call on 4/07/2026.

(Computerized to my dictation, corrected, revised and then signed by me on this the 9th day of June 2026.)


(T.SRIKANTH)
Prl. Sr. Civil Judge
Anekal.