

### **ORDERS ON I.A.NO.3**

The first party has filed the present application u/o 6 Rule 17 r/w 151 of CPC seeking permission to amend the claim statement as prayed for in the application.

2. In the affidavit annexed to the application it is stated that the amendment is necessary in order to change the prayer column of the claim statement as the relief claimed is not proper one. Hence, prays to allow the application.

3. On the other hand, the second party has filed objections to the application contending that, the amendment sought for is not maintainable. The prayer sought for in the amendment is already in existence in the claim statement. The similar application was filed and it was withdrawn by the first party himself. The amendment sought for by the first party changes the nature of dispute. If the application is allowed much hardship and inconvenience will be caused to the second party and no hardship and inconvenience will be caused to the first party if the application is not allowed. Hence, prayed to reject the application.

4. The following points do arise for consideration;
- 1. Whether the first party/petitioner has made out reasonable grounds to allow the application and permit the first party/applicant to amend the claim statement as prayed for?*
  - 2. What Order?*

5. I have heard both counsels on I.A.No.3.

6. My findings on the above Points are as follows;

**Point No.1: Affirmative**

**Point No.2:** As per final order  
for the following;

**:: REASONS ::**

**7. POINT NO.1.** By careful perusal of grounds made out in the affidavit, objections and claim statement and counter statement of both parties it can be seen that, the first party has filed claim statement seeking for relief of reinstatement and monetary compensation of Rs.50,00,000/- from the second party company, along with back wages and consequential benefits. It is specific case of the first party that she is the employee and second party is the management/employer. The second party has

illegally removed her from service. The second party in the counter statement has not denied the relationship of employee and employer.

8. It is to be seen that, in the proposed amendment the first party apart from claiming monetary compensation is also claiming the relief of reinstatement and such other prayers. According to the first party the relief claimed earlier was not proper and hence by rectifying the said mistakes in the proposed amendment she is claiming to permit her to amend the claim statement as prayed for in the application. Admittedly, in the present case the evidence of first party has been started and the first party has got marked a few documents on her behalf as per Ex.W-1 to Ex.W-5. When the case was set down to adduce further chief examination of WW-1, the first party has come up with the present application seeking amendment of claim statement with a permission to insert the prayer as sought for in the proposed amendment. Thus, it becomes clear that substantial trial has not yet been started in the above case.

The ***Hon'ble Supreme Court of India*** in the case of ***Jai Jai Ram Manohar Lal vs National Building Material Supply*** reported in ***AIR 1969 SC 1267*** held as follows;

*“ Rules of procedure are intended to be a hand-maid to the administration of justice. A party cannot be refused just relief merely because of some mistake, negligence, inadvertence or even infraction of the rules of procedure. The court always gives leave to amend the pleadings of a party, unless it is satisfied that the party applying was acting malafide, or that by his blunder, he had caused injury to his opponent which may not be compensated for by an order of costs. However, negligent or careless may have been first party omission, and, however, late the proposed amendment, the amendment may be allowed if it can be made without injustice to the other side. All amendments should be permitted as may be necessary for the purpose of determining the real question in controversy between the parties, unless by permitting the amendment injustice may result to the other side. In our view, there is no rule that unless in a application for amendment of the plaint it is expressly averred that the error, omission or mis-description is due to a bonafide mistake, the court has no power to grant leave to amend to plaint. The power to grant amendment of the pleadings is*

*intended to serve the ends of justice and is not governed by any such narrow or technical limitations.”*

Thus, the tribunal always ought to give leave to amend pleadings of a party, unless it is satisfied that the party applying was acting malafide or that by his blunder he caused injury to his opponent which cannot be compensated for by an order of costs, but there is no rule that in the application for amendment the party must expressly averred that the error, omission or mis-description was due to a bonafide mistake. It would be sufficient if a prima-facie case for the amendment is made out by the applicant. Therefore, the tribunal has power to permit the parties to amend the pleadings in its discretion. The courts and Tribunals charged with the duties of administering justice, have to remember, that it is not the form but the substance of the matter that has to be looked into and the parties cannot be penalized inadvertent errors committed by them in the conduct of their cases. The amendments are to be allowed so as to give full effect to the adjudication without, however, causing substantial injury to the other party.

9. By looking to the amendment sought for in the present case it is satisfied that the first party applying for the proposed

amendment was not acted malafide and that by her blunder she has not caused any injury to her opponent which cannot be compensated for by an order of costs. Therefore, if the proposed amendment sought for is allowed no harm or injustice would be caused to the other side. Similarly, if the proposed amendment is refused it will definitely cause harm or injustice to the first party who is seeking for the amendment. The first party has made out a prima-facie case for the proposed amendment sought for in the application. In the light of the said reasons, the proposed amendment deserves to be allowed as otherwise it may lead to substantial injury to the party applying for amendment. Hence, for the above reasons I answer the point no.1 in the **Affirmative.**

10. **Point No.2:** In view of my findings on Point No.1, I proceed to pass the following:-

**ORDER**

*The I.A.No.3 filed by the first party u/o 6 Rule 17 r/w 151 of CPC is hereby allowed on cost of Rs.200.*

*The first party is permitted to carry out the amendment as sought for and furnish the amended claim statement.*

*For amendment and amended claim statement by 23.10.2025.*

sd/-

**Presiding officer  
Labour Court, Mysuru.**