

**BEFORE IN THE COURT HON'BLE LABOUR COURT AT AKOLA.**

**PGA. No. 56/2025.**

**Shrikrushana Raibhan Bombadkar**

**V/s**

**Vice Chancellor, P.K.V. Akola .**

**ORDER BELOW EXH. U-9**

**(Passed on 20/02/2026)**

The application has been filed by applicant under Order 6, Rule 17 of C.P.C. for amendment and grant permission amendment in application para No. 1,2,3 and prayer clause as per the provision of law.

2] It is submitted that the said applicant has been filed by the claim application for granting gratuity under the Payment of Gratuity Act. It is further submit that the non-applicant has given false last drawn salary certificate to the applicant, thereafter the applicant came to know the correct last salary of the applicant. Therefore, the applicant want to amend in claim application by taking a necessary legal plea in the application by adding para No. 1,2,3 and prayer clause in the application. The proposed amendment does not change the nature of the main claim but has direct nexus with the pleadings made in the application. No prejudice would be caused to the non-applicant, if the said amendment is allowed. He lastly prayed to allow the application.

3] The non-applicant has strongly opposed the application by filing reply and submitted that the said matter kept for framing issues and applicant deliberately avoid and prolong the said matter. Amendment sought in claim applicatin is against the provision of law. He lastly prayer that the said application may kindly be rejected with heavy costs.

4] I have heard argument Ld. Counsels of the both parties . It is the case of the applicant that non-applicant has not paid gratuity as per the provisions of Payment of Gratuity Act. On the basis of the amendment, application the applicant has submitted that, the non-applicant has given false last drawn salary certificate to the applicant, thereafter the applicant came to know the correct last salary of the applicant, in that regard, the applicant want to amend and adding para No. 1,2,3 and prayer clause in his application. The Ld. Counsel of the non-applicant opposed to amend the claim application to add the para No. 1,2,3 and prayer clause.

5] In the judgment of the Hon'ble Supreme Court in **Varun Pahwa v/s Renu Chaudhary (2019) 15 S.C. cases 628.** In this case, the Hon'ble Supreme Court has held that “ The memo of the parties is thus clearly inadvertent mistake on the part of the counsel who drafted the plaint. Such inadvertent mistake can't be refused to be corrected when the mistake is apparent from the reading of the plaint. The rules of procedure are handmaid of justice and cannot defeat the substantive rights of the parties. It is well settled that amendment in the pleadings cannot be refused merely because of some mistake, negligence, inadvertence or even infraction of the rules of procedure. The court always gives leave to amend the pleading even if a party is negligent or careless as the power to grant amendment of the pleading is intended to serve the ends of justice and is not governed by any such narrow or technical limitations.”

6] Considering the ratio laid down in the above judgment, the applicant have approached before this court for Payment of Gratuity. The applicant has want to amend their claim application for adding para No. 1,2,3 and prayer clause in the claim application in respect of the correct last drawn salary of the applicant It is well settled by the catena of decisions of Hon'ble High court that allowing or rejecting an application for amendment of plaint/reply is really the discretion of the court and amendment of the plaint/reply also should not be refused on technical grounds. It is settle law that the court may allow amendment if necessary to

determine the controversy between the parties. The purpose of this provision is to promote ends of justice and not to defeat the law. There is no new claim introduced by the applicant. The applicant has made justifiable reason for proposed amendment. Submissions made by the Ld. counsel for the applicant and the proposed amendment sought for, I am of the considered opinion that the amendment application deserves to be allowed. Hence, I pass the following order.

**ORDER**

1. The amendment application is allowed .
2. The applicant is directed to carryout amendment within 14 days from the date of this order.
3. The applicant is further directed to furnish amended copy of claim application on record.

*Sd/-*

**[ D. S. Paikrao ]  
Judge**

**Labour Court, Akola.**

**Date : 20/02/2026.**