

Appeal No. 06 of 2025

Shri. K. B. Parab,

V/s.

Karachi Maharashtra Shikshan Prasarak Mandal and Ors.

Order below Exh. 27

(Date - 04/02/2026)

Present application is filed by respondent no. 4 to seek amendment in written statement as per Order 6 Rule 17 of Code of Civil Procedure. The appellant had filed his say below Exh. 46 and raised strong objection.

2. According to respondent no. 4, respondent no. 1 to 4 have filed their written statement on record, however, at the time of preparation of further documents it has been revealed that, certain important and fundamental facts relating to the service condition and classification of the appellant as well as the respondent no. 4 were not adequately covered or articulated in the original written statement. For just and fare adjudication of the dispute the respondents prayed for amendment in written statement by proposed amendments by inserting para 19A.

3. Per contra as per the say of appellant, the application is nothing but to deprive the appellant from his rightful claim by prolonging the matter. It is further contended that, the respondent want to amend the written statement by putting repetitions of earlier contentions in written statement by way of amendment and inserting para 19A. The contention which were already raised by the respondents not required to be inserted in separate para by way of amendment. Thus, the appellant has prayed to reject the application.

4. Heard both Ld. Counsel at sufficient length. They have reproduced arguments as per their written pleadings. Ld. defence Counsel Mr. Kulkarni has argued that, the Rule for amendment in plaint or appeal memo cannot be straight way applicable for amendment of written statement. The respondent can take more than one defence, though they are contrary to each other, and the written statement can be amendment to raise such kind of pleas. The amendment sought is necessary for fair and just adjudication of the case. Per contra, Ld. Counsel appearing on behalf of the appellant had attracted my attention towards the para no. 11, 14 and 18 of written statement filed below Exh. 15. He has argued that, the proposed amendment were already contended in para no. 11. 14 and 18, therefore, amendment is nothing but a prolonging tactics.

5. I have gone through the record and proceeding, it is transpired from the record that, the respondent no. 1 to 4 have filed their written statement below Exh. 15. It is pertinent to note that, respondent no. 1 to 4 have filed common written statement, however, present amendment application under Order 6 Rule 17 of Code of Civil Procedure for amendment in written statement is filed by the respondent no. 4 only. In case of ***Smt. Chanda Kedia and another Vs. Dwarika Prasad Kedia and another, 2024 AHC 65964***, it is observed by the Hon'ble High Court that, when a common written statement is filed by the party cannot be amended by one individual person who is party to the said proceeding. In light of the said observation it is concluded that, the written statement filed below Exh. 15 is commonly filed by respondent no. 1 to 4, however, present application is presented by respondent no. 4 only. It is pertinent to

note that, respondent no. 1 to 3 have not filed any supporting affidavit to the present application to adopt the application of respondent no. 4. In absence of consent of the others the common written statement filed by respondent no. 1 to 4 cannot be amended at the instance of respondent no. 4 only. Thus, the application not deserves to be allowed.

6. Furthermore, if the application is taken into consideration on its own merit, it is transpired from Exh. 15 that in para no. 11, 14, 18, 19 and 22 the proposed contentions in amendment application are already taken in written statement. Present application is nothing but a clever drafting of the respondents. In such situation when the contentions were already taken in para no. 11, 14, 19 and 22 of written statement not required to be mentioned in separate para by way of amendment. Thus, the application is not bears merit. Hence, I proceed to pass following order.

ORDER

Application stands rejected.

Date :- 04.02.2026

Place:- Kolhapur.

(VN.Dhavle)
Presiding Officer,
School Tribunal, Kolhapur.