

IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION) ANOOPSHAHR

Mis. No. – 39/2015

Sohan Lal vs Bhudev

Date : - 27/01/2023

Today file is fixed for disposal of application 11a₁. This app. has been filed by plaintiff for seeking certain amendment be incorporated in application 6c₂.

Defendant has objected regarding this app, on the ground that application is based on falsehood and filed after long delay. So, this application is liable to be rejected.

Heard and perused.

Present app. of plaintiff is supported with affidavit. As per plaintiff's version, heading of application 6c₂ should be amended as order 9 rule 4 is wrongly mentioned in heading. It should be order 9 rule 9 in the heading of the application.

At the time of disposal of the amendment application, the court has to see whether proposed amendment changes the nature of the suit or not. Proposed amendment should be necessary for the effective disposal of the suit. For this, it is important that pleadings filed by both the parties should mention correct facts of the case.

In various legal pronouncements the Apex court held that the courts while deciding prayers for amendment should not adopt hyper technical approach. Liberal approach should be the general rule particularly in cases where the other side can be compensated with costs. Technicalities of law should not be permitted to hamper the courts in the administration of justice between the parties and where the amendment is sought to avoid multiplicity of suits, or where the parties in the plaint are wrongly described, or where there is a mistake in the statement of the cause of action, or a bona fide omission in making the necessary averments in the pleading or some new facts have taken place during the pendency of suit, the court may allow such amendments.

Considering the legal pronouncements on the point and facts of this case in the view of court this app. deserves to be allowed in interest of Justice. Delay can be compensated with the cost.

ORDER

App. 11a₁ is allowed on cost 450 Rs. Plaintiff to amend the application within 07 days. List the suit on 16-02-2023 for f.o.

(Yogesh Shiva)
Civil Judge (J.D.) Anoopshahr.
Distt. Bulandshahr