



\$~49

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 443/2005

STATE BANK OF INDIA

..... Petitioner

Through Ms.Khushboo Kapur for Mr.Rajiv  
Kapur, Advs.

versus

SAT PRAKASH & ORS.

..... Respondent

Through Mr.O.P.Agarwal, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

% **30.10.2019**

**C.M.No.47162/2019 (for correction in resume)**

1. This is an application filed by the applicants/respondents seeking modification of para 9 of the brief note filed by them before this Court on 03.10.2019.
2. Learned counsel for the applicants submits that due to an inadvertent mistake on his part, para 9 of the brief note does not contain the complete details about the respondent's case.
3. Issue notice. Learned counsel for the non-applicant/petitioner accepts notice. She submits that the modification sought to be now made, does not form part of the pleadings before the learned Labour Court and, therefore, ought not to be allowed.
4. In my view the opposition is wholly without any basis. The brief notes were directed to be filed only for assistance of this Court and the averments made therein cannot be treated as pleadings. In the present case, the brief note of which modification is being sought was filed only on 03.10.2019 and, therefore, amendment of the same at



this stage will not cause any prejudice to the petitioner. The application, therefore, deserves to be allowed. It is, however, made clear that it will be open for the petitioner, at the time of final arguments, to point out that the submissions made in the brief notes are beyond the pleadings.

5. The application is, accordingly, allowed and the amended brief notes filed with the application are taken on record in place of the brief note filed on 03.10.2019.

6. The application stands disposed of in the aforesaid terms.

**W.P.(C) 443/2005**

List on 09.01.2020, the date already fixed.

**REKHA PALLI, J**

**OCTOBER 30, 2019**

sr