

ITEM NO.5

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).21297/2011

(From the judgement and order dated 13/07/2011 in FAO No.62/2011 of The HIGH COURT OF DELHI AT N. DELHI)

V.RAVINDRAN

Petitioner(s)

VERSUS

M/S CAVALIER COACHING & SEC.NETWORK P.LD

Respondent(s)

(With office report)

Date: 18/11/2011

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. Jogy Scaria, AOR
Ms. Vishnu Sankar, Adv.
Ms. Cecil S. Philiph, Adv.

For Respondent(s)

Mr. J.P. Singh, Sr. Adv.
Mr. V.K. Tandon, Adv.
Mr. Sumit Kumar, AOR
Mr. Rajesh Pathak, Adv.

UPON hearing counsel the Court made the following
O R D E R

This special leave petition is directed against the judgment and final order dated 13th July, 2011, passed by the Delhi High Court in FAO (OS) No.62 of 2011, whereby the SLP 21297/2011

Division Bench of the High Court rejected the appeal against an order passed by the learned Single Judge, rejecting the petitioner's prayer for amendment of the written statement at a stage when the issues have been framed and the date has been fixed for cross examination of the plaintiff's witnesses.

Order VI Rule 17 of the Civil Procedure Code, provides that amendments can be allowed by the Court at any stage of the proceedings, but the proviso thereto also provides that no application for amendment would be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

In the present case, with the framing of issues and the fixing of the date of cross-examination of the witnesses, it must be held that the trial had commenced, since the evidence of the plaintiff's witnesses was already on record by way of affidavits. Accordingly, we see no merit in the special leave petition and the same is dismissed.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar