



submissions made, the suit filed by the respondents herein was decreed and during the pendency of the Writ Appeal, filed by the Corporation, an application was moved to amend paragraph 4 of the Written Statement and paragraph 5 of the preliminary objection to include certain facts relating to the filing of the option form for payment of pension to the plaintiff-respondent No.1 herein.

The said application under Order 6 Rule 17, Code of Civil Procedure, 1908, (for short 'the CPC') having been dismissed, the petitioner-Corporation moved the High Court in Revision and the High Court upheld the decision of the trial court on an interpretation of the proviso to Order 6 Rule 17 CPC.

During the submissions made on behalf of the respective parties, it transpires that certain statements have been made regarding the non-availability of the option form in the service record of the respondent No.1.

Having regard to the above, we are of the view that the matter needs to be gone into further, and, accordingly,

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the application for amendment needs to be allowed.

We, therefore, allow the application filed by the corporation under Order 6 Rule 17 CPC in the pending First Appeal No. 96 of 2008. The Written Statement be amended, as prayed for in the said application.

The special leave petition is accordingly allowed, but there will be no order as to costs.

(Anita Malhotra)  
Sr.PA

(Juginder Kaur)  
Court Master