

from Partner to the Director. The learned counsel for the Petitioner submitted that the entire correspondence is carried out as Private Limited Company and the reference to the Partnership Firm was a mistake. It was submitted that various suits were filed, and therefore, this mistake was not realized. Learned counsel for the Respondent submitted that the amendment is sought at the belated stage as suit is of the year 2003.

3 Learned City Civil Court Judge has rejected the amendment on the ground that it is not subsequent event and the Petitioner is not diligent, and therefore, in view of bar under Rule VI Rule 17 of the Code of Civil Procedure, the amendment cannot be granted. This bar is not absolute and under given circumstances, the Court can permit a party to amend the plaint. In the present case, the amendment sought is innocuous amendment and will not change the nature of the suit. Therefore, instead of rejecting the application for amendment, it could have been allowed by imposing the costs. No prejudice will be caused to the Respondent if the amendment is allowed at this stage, looking at the nature of the amendment. In the circumstances, the Writ Petition deserves to be allowed and accordingly is allowed in terms of prayer clause (a) subject to the Petitioner paying costs of Rs.5000/- to the Respondent within a period of three weeks from today. The amendment should be carried out after the payment of costs, within a period of four weeks thereafter.

(N.M.JAMDAR J.)