

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 6078 of 2014 (O&M)
Date of Decision: March 4, 2016

Jeet Ram Sharma

...Petitioner

Versus

M/s Vikram Electric Equipment (Pvt.) Limited

...Respondent

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Harsh Bungar, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. The amendment which was brought was innocuous in that the defendant was trying to explain in express terms what he has already stated in the written statement. The amendment is said to have been brought on the basis of the rejoinder given by the plaintiff explaining a particular person through whom the cheques were delivered as a person who was acting as plaintiff's agent. Through the amendment after the rejoinder, the defendant wants to contend that the particular person Mr. Dabra, who the plaintiff wants to characterize as his agent, was not his agent and the defendant was having independent agreement of sale with the said Dabra. The additional pleas merely exemplify in terms which are already implicit in the original agreement. No prejudice could be caused since the court shall always be liberal allowing for the amendment of the written statement then amendment of the plaint, unless there is an admission made by the defendant in the

original statement which is withdrawn or there is any particular plea which can bring a prejudice. There shall be no fetter for a court to allow such an amendment.

2. The plaintiff's apprehension is that the case is being indefinitely delayed on account of obstructive tactics of the defendant. Now the revision petition is disposed of, the plaintiff will use all his resourcefulness for securing early disposal before the court below.

3. The impugned order is set aside and the revision is allowed. After the amendment of the written statement, the plaintiff is entitled to bring any rejoinder or amendment of his own pleading subject only to the fact that he will have a right of response only to the averments brought through amendment in the written statement and not qua other averments.

4. The revision is allowed on the above terms.

March 4, 2016
prem

(K.KANNAN)
JUDGE