

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

**CR No.6694 of 2015 (O&M)
Date of decision: 14.01.2016**

Sanjay Kumar

... Petitioner

versus

M/s Sudama Cotton Ginning and Processing Factory

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sandeep Jasuja, Advocate for the petitioner.

Mr. Umesh Kumar Kanwar, Advocate for the respondent.

K.Kannan, J. (ORAL)

The application for amendment of the written statement filed before the framing of issues pleading for additional payment as alleged to have been made. This is a suit for recovery of money and this additional plea according to him substantially reduced his liability. The trial has commenced subsequently and the plaintiff side has been closed.

The Courts shall be liberal in construing amendment of the written statement while it may still be strict to the applications for the amendment of the plaint. If the amendment is also brought before the commencement of the trial and even before framing of issues, the Court will allow for such amendment unless there could be a very serious prejudice by the defendant being allowed to withdraw an admission or bring a plea which can substantially prejudice the plaintiff. An additional payment through cheques although not pleaded originally cannot be a fanciful assertion especially when it is accompanied by reference to some documents which are capable of being verified. I will allow under the circumstances all the benefit of the amendment to the respondent on payment of costs of Rs. 5,000/- to the plaintiff within a

period of two weeks from today. The plaintiff shall be at liberty to file a replication and if it is necessary, the Court may also allow the plaintiff to be recalled for examination to confront any of the issues brought through amended written statement, if the defendant so requires.

The order already passed is set aside and the revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

11.01.2016
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