

Satynarayan Vs. Vinetelar

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Court : Madhya Pradesh

Decided On : Mar-27-2000

Reported in : 2000(4)MPHT373

Judge : J.G. Chitre, J.

Acts : [Evidence Act, 1872](#); [Code of Civil Procedure \(CPC\) , 1908](#) - Order 6, Rule 17 - Order 8, Rules 1 and 9

Appeal No. : Civil Revision No. 830/99

Appellant : Satynarayan

Respondent : Vinetelar

Advocate for Pet/Ap. : Sunil Jain, Adv.

Disposition : Revision dismissed

Judgement :
ORDER

J.G. Chitre, J.

1. He is heard on admission.

2. He submitted that the previous written statement filed by the petitioner was scanty and, therefore, for elaborating the plea, the petitioner moved an application

for amendment of the written statement in view of the provisions of Order 6 Rule 17, CPC. However, the Court rejected it and therefore, this petitioner has been left with no way but to move this Court in its revisional jurisdiction,

3. Shri Jain pointed out the previous written statement as well as the proposed amendment.

4. After perusing the order, the proposed amendment has been considered, so also the previous written statement has been considered. The proposed amendment runs into pages. There are five pages to said application and out of it, atleast four and half pages are embodying the amendment which is sought to be annexed to previous written statement. In comparison to that, the written statement runs into three pages. None can have the debate with the preposition that when pleadings are to be considered, the quality is to be seen and not the pages. Unfortunately the trend is increasing to have fat bundles of complaints and/or written statements which run into pages irrespective of quality. Our legal system is very much cautious of relevancy which has been considered, marshalled indicated and enforced by provisions of Indian [Evidence Act, 1872](#).

5. Shri Jain has placed reliance on the judgment of Single Bench of this Court in 1985 J.L.J. 477 wherein the Single Bench of this Court held that while considering the application for amending the pleadings, it has also to be kept in view that it is trite law that while considering the amendment application, merits of the amendment are not to be considered. Whereby the amendment sought, the defendant seeks only to elaborate a plea already taken and the application is not frivolous and belated should be allowed. There cannot be debate and other opinion about this preposition of law enunciated by the said judgment. But it has to be kept in mind that every case has its own face and that face is exhibited by set of facts and circumstances which make out that face. While dealing with the amendment application, the Court has to be very cautious and on guard to see that a clever litigant does not change the face of his pleading by way of adopting an innocent looking approach of elaborating the written statement. The chaff is to be stained out from grain. The chaff which is attempted to be introduced cleverly by way of amendment has been marshalled out, cut off by the trial Court by its

cautious, careful and upright approach. By way of this amendment, in a couching language new things are being introduced. The trial Court has rightly chopped it off by rejecting the prayer by a reasoned order.

6. When the trial Court is satisfied that the previous W.S. is containing the plea which was permissible by Order 8 of the CPC, it remains well in its legal jurisdiction to cut-off subsequent pleadings in view of provisions of Rules 1 and 9 of Order 8. While dealing with the prayers for amendment of the pleadings, Court has to be on guard in seeing that the dimensions of the suit should not be permitted to be elongated and increased so as to permit the parties to have the pleasure of a ding dong battle at the cost of other needy litigants and the working hours of the Court. When the High Court is satisfied that the trial Court, by remaining in four corners of its jurisdiction has passed an order, which could not be called as incorrect, improper and illegal, it should not be disturbed. The petitioner should thank himself that the trial Court has not saddled him with costs, for this mistimed and misdirected adventure. As the trial Court has not saddled him with the costs and as the petitioner must have spent sufficiently for preparing this revision petition this Court also does not desire to saddle him with the costs. The dismissal is sufficient punishment to him. The revision is accordingly dismissed.