



CPC O. 6 R. 17 - While deciding the application for amendment ordinarily the court must not refuse bona fide, legitimate, honest and necessary amendments and should never permit mala fide and dishonest amendments - The purpose and object of Order 6 Rule 17 of the Code is to allow either party to alter or amend his pleadings in such manner and on such terms as may be just - Amendment cannot be claimed as a matter of right and under all circumstances, but the courts while deciding such prayers should not adopt a hypertechnical approach - Liberal approach should be the general rule, particularly in cases where the other side can be compensated with costs - Normally, amendments are allowed in the pleadings to avoid multiplicity of litigations.

Held,

In view of the fact that the amendment application came to be filed immediately after the filing of the suit (suit came to be filed in 2007 and the amendment application was filed in 2008) i.e before the commencement of the trial and taking note of the fact that the learned Single Judge confined the relief only to a certain extent and also that in the proposed amendment the plaintiff wants to explain how the money was paid, though necessary averments in the form of foundation have already been laid in the original plaint, we hold that by this process the plaintiff is not altering the cause of action and in any way prejudice the defendants.

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