IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR-5608-2025
Reserved On: 21.08.2025
Date of Decision: 23.09.2025

Parveen Garvi .....Petitioner

Vs.

Aviva Life Insurance Company India Ltd. .....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sumeet Mahajan, Sr. Advocate with
Mr. Shrey Sachdeva, Advocate,
Ms. Shruti Singla, Advocate
Ms. Radhika Deekshay, Advocate
for the petitioner.

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SUDEEPTI SHARMA J. (Oral)

1. The present revision petition is filed for setting aside order dated 25.07.2025, passed by learned Additional District Judge, Gurugram, whereby, application filed by the petitioner under Order VI Rule 17 of CPC for amendment of the plaint was dismissed. The petitioner has also assailed order dated 19.10.2023, passed by learned Appellate Court by which the first amendment application filed by the petitioner was dismissed.

BRIEF FACTS

2. The brief facts of the case are that the petitioner was terminated from service vide order dated 09.10.2014. Aggrieved by the same he filed civil suit for declaration and mandatory injunction in the year 2015. The civil suit was decreed in his favour vide judgment and decree dated 15.11.2022 passed by learned Civil Judge (Junior Division), Gurugram. And enquiry proceedings carried out by respondent-employer was declared to be illegal, null and void being in violation of principles of natural justice and the same was set aside. Appellant was ordered to be reinstated with

backwages and he was held entitled to recover the arrears of his salary and other benefits from respondent-employer.

3. The respondent-Insurance Company filed appeal against judgment and decree dated 15.11.2022 and learned First Appellate Court stayed the operation of judgment and decree dated 15.11.2022 passed by learned Civil Judge (Junior Division), Gurugram.

4. During the pendency of the appeal, the petitioner filed application under Order VI Rule 17 read with Section 151 CPC for amendment of plaint, wherein, it was stated that due to the illegal termination order and due to the use of word “misconduct in the termination order”, stigma is caste upon the petitioner which dis-entitled the petitioner from seeking employment elsewhere and petitioner was not able to earn since last 08 years. He further pleaded that because of this he has sustained huge monitory loss for which respondent is responsible and, therefore, is liable to pay damages to the petitioner. In his application under Order VI Rule 17 CPC he pleaded that in the year 2014 he was earning an amount of Rs.12,47,000/- per annum. He remained unemployed for a long period of 08 years. He sustained loss of earning to the tune of Rs.1,05,99,500/- because of this.

5. He, therefore, prayed in the application that he had fought for a long period of 08 years in court cases and spent expenditure in litigation as well, therefore, he is entitled to an amount of Rs.1,25,99,500/- as damages for which the respondent is liable to pay to the petitioner. Further, that seeking damages cannot be said to be barred by time since Section 40 of Specific Relief Act, 1963, clearly indicates that the application for damages

can be made at any stage. Therefore, in his application, the petitioner wanted to add the following relief in the prayer clause:-

> *"It is further prayed that the defendant may kindly be directed to pay damages to the tune of Rs.1,25,99,500/- to the plaintiff on account of illegal termination of plaintiff alongwith interest at the rate of 18% per annum."*

6. The respondent opposed the application filed by the petitioner under Order VI Rule 17 read with Section 151 CPC by stating that application cannot be allowed as per proviso to Order VI Rule 17 CPC and the proviso provides that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that inspite of due diligence, the party could not have raised the matter before the commencement of trial. Therefore, party who seeks relief to amend pleadings after the commencement of trial must plead that inspite of due diligence, the party could not have raised the matter before commencing of trial. Learned counsel for the respondent further submitted that trial of this civil suit started in the year 2015 and the application has been filed in the year 2023 i.e. after eight years of the commencement of trial. Further, that the petitioner/applicant failed to plead and prove any ground to show that they could not have raised the matter before the commencement of trial. And the petitioner/applicant by way of amendment application are trying to introduce a totally different, new case. The original suit filed by the applicant was *"suit for declaration"* but now the applicant wishes to convert the same into *"suit for damages"*. Such change in fundamental character of the suit is not allowed. Further, his new prayer demanding damages to the tune of Rs.1,25,99,500/- would attract huge amount of Court fee which the

petitioner never paid, and the *"suit for declaration"* cannot be converted into *"suit for damages"* without paying the Court fee. Therefore, the application is liable to be dismissed on this ground.

7. After hearing both the parties, Additional District Judge, Gurugram vide its order dated 19.10.2023 dismissed the application filed by the petitioner on the ground that the suit was filed in the year 2015 which was decreed on 15.11.2022 and in the appeal filed by the respondent part arguments were advanced. Further that if the application is allowed that would not only require re-appreciation of the evidence but also filing of amended written statement. And petitioner intends to turn the clock back which is not tenable.

8. So far as, the question regarding allowing the amendment by invoking provisions contained in Section 40 of Specific Relief Act, 1963, is concerned, the same was also rejected by learned Additional District Judge, Gurugram on the ground that the suit was in fact suit for declaration filed under Section 34 of Specific Relief Act, 1963, therefore, provisions contained in Section 40 of Specific Relief Act, 1963, would not apply and rather as per proviso contained in Order VI Rule 17 read with 151 CPC, the application deserves to be dismissed.

9. Further reason for dismissing the application was that it was filed after a long period of eight years and there is no reasoning given by the petitioner/plaintiff that inspite of due diligence, he could not have raised the matter before commencement of trial.

10. Thereafter, petitioner filed second amendment application dated 16.11.2023 under Order VI Rule 17 read with 151 CPC due to change in

circumstances by stating therein that petitioner filed original suit which was decreed for mandatory injunction as well as declaration in his favour and termination order dated 09.10.2014 was set aside. Consequently, mandatory injunction to reinstate the petitioner was granted. The petitioner now being almost 59 years of age and lost all hopes of being reinstated back into his original position, therefore, instead of seeking mandatory injunction to be reinstated sought amendment to the prayer clause with the prayer for an alternate relief that respondent/defendant be directed to pay damages to the petitioner/plaintiff to the tune of Rs.1,25,99,500/-. It was further stated in the application that second amendment application would not be barred by constructive *res judicata,* since, the cause of action arose to the petitioner/plaintiff when his hope of being reinstatement has completely been nullified on the account of pendency of entire dispute for more than nine years. Further, since, the petitioner is almost 59 years of age and age of superannuation in respondent-Insurance Company is 60 years and there would be no occasion for the petitioner/plaintiff to be reinstated, since, the appeal is still pending and by the time appeal would be decided, the petitioner would attain the age of superannuation i.e. 60 years. The respondents opposed the same.

11. Learned Additional District Judge, Gurugram, vide its order dated 25.07.2025 dismissed the second application filed by the petitioner on the ground that the first application for amendment of plaint was dismissed on merits after taking into consideration all the facts and circumstances necessary to be discussed at the time of adjudication of the application for amendment of plaint and the Court has no power to review the earlier

decision of the Court, which was passed on merits of the case. Hence, the present revision petition, challenging order dated 19.10.2023 and 25.07.2025 passed by Additional District Judge, Gurugram.

CONTENTIONS OF LEARNED COUNSEL FOR THE PETITIONER

12. Learned counsel for the petitioner contends as under:-

i) That law regarding amendment is quite liberal and must be applied to advance justice. And at the time of filing the suit, petitioner was 50 years of age and could not reasonably have expected that the suit filed by him in the year 2015 would be decided in the year 2022 and appeal filed by the respondent would not decided till date, and by the time appeal would be decided, petitioner would acquire the age of superannuation i.e. 60 years.

ii) That his suit to the effect of his reinstatement would become infructuous since he would not be reinstated at such age of superannuation i.e. 60 years.

iii) That Section 40(2) of Specific Relief Act, 1963 imposes a mandatory obligation on the Court to permit amendment at any stage where justice so requires, therefore, learned Additional District Judge, Gurugram erred in dismissing the application filed by the petitioner under Order VI Rule 17 read with 151 CPC.

iv) That Section 40 of Specific Relief Act, 1963 would prevail over Order VI Rule 17 CPC.

13. Learned counsel for the petitioner placed reliance upon following judgments passed by Hon'ble Supreme Court of India:-

(a) ***Ragu Thilak D. John Vs. S. Rayappan and Others***

[(2001) 2 Supreme Court Cases 472]

(b) ***Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited and Another***

[(2022) 16 Supreme Court Cases 1]

(c) ***Jose Paulo Coutinho Vs. Maria Luiza Valentina Pereira and Another***

[(2019) 20 Supreme Court Cases 85]

(d) ***Rajesh Kumar Aggarwal and Others Vs. K.K. Modi and Others***

[(2006) 4 Supreme Court Cases 385]

(e) ***K.R. Suresh Vs. R. Poornima and others***

[(2025) SCC OnLine SC 1014]

14. I have heard learned counsel for the petitioner and perused the whole file with his able assistance.

15. A perusal of file shows that the petitioner joined respondent-Insurance Company as Branch Manager vide letter dated 07.05.2011. He continued to work in that capacity until 09.10.2014, when he was terminated from service. Aggrieved thereby, he filed civil suit in the year 2015, seeking declaration and mandatory injunction. At the time of filing of civil suit, the petitioner was 50 years of age.

16. A prayer in the civil suit was for declaration to the effect that order of termination dated 09.10.2014 and enquiry proceedings are totally illegal, unlawful, null and void and against the principle of natural justice.

He further sought any consequential relief which the Court deemed just and proper.

17. Civil suit filed by the petitioner was decreed in his favour vide judgment and decree dated 15.11.2022 passed by Civil Judge (Jr. Division), Gurugram, by declaring the termination order dated 09.10.2014 and enquiry proceedings to be illegal, null and void being in utter violation of principles of natural justice and the same were set aside accordingly. The petitioner was ordered to be reinstated in service with backwages and incidental benefits as if he was not terminated and he was held entitled to recover the arrears of his salary and other benefits from respondent-Insurance Company.

18. Respondent filed appeal against judgment and decree dated 15.11.2022 before District Judge, Gurugram. During pendency of the appeal, the petitioner on 15.04.2023 moved an application under Order VI Rule 17 read with Section 151 CPC seeking amendment of the plaint filed by the petitioner.

19. A perusal of the application under Order VI Rule 17 CPC shows that at the time of filing the application, the petitioner had attained age of 59 years and the age of superannuation in the respondent-Insurance Company is 60 years and the appeal filed by the respondent is still pending. The petitioner, after realizing that by the time appeal filed by the respondent would be decided, the petitioner would attain the age of superannuation and he would not be reinstated, therefore, in lieu of reinstatement, he wanted to amend the civil suit filed by him with a further prayer that the respondent/defendant may kindly be directed to pay damages to the tune of Rs.1,25,99,500/- alongwith 18% per annum to the petitioner/plaintiff on

account of illegal termination of petitioner/plaintiff. He sought this amendment by relying on Section 40 of Specific Relief Act, 1963.

20. At this stage, it would be apposite to reproduce Order VI Rule 17 CPC and Section 40 of Specific Relief Act, 1963.

i) ***The relevant portion of Order VI Rule 17 CPC is reproduced as under***:-

> *"17. Amendment of pleadings.- The court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties:*
>
> *Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial"*

ii) ***The relevant portion of Section 40 of Specific Relief Act, 1963 is reproduced as under***:-

> *"40. Damages in lieu of, or in addition to, injunction.- (1) The plaintiff in a suit for perpetual injunction under Section 38, or mandatory injunction under section 39, may claim damages either in addition to, or in substitution for, such injunction and the court may, if it thinks fit award such damages.*
>
> *(2) No relief for damages shall be granted under this section unless the plaintiff has claimed such relief in his plaint:*
>
> *(3) The dismissal of a suit to prevent the breach of an obligation existing in favour of the plaintiff shall bar his right to sue for damages for such breach."*

21. A perusal of the above referred to provisions of law shows that under Order VI Rule 17 CPC, the Court may at any stage of proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties. There is a proviso to this Order which states that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that inspite of due diligence the party could not have raised the matter before commencement of trial.

22. Now coming to Section 40 of Specific Relief Act, 1963, which states that the plaintiff in a suit for perpetual injunction under Section 38 or mandatory injunction under Section 39, may claim damages either in addition to or in substitution for such injunction and the Court may if it thinks fit award such damages. It further states that no relief for damages shall be granted unless plaintiff claim such relief in his plaint. Significantly, the proviso to this provision provides that where no such damages have been claimed in the plaint, the Court shall, at any stage of the proceedings, allow the plaintiff to amend the plaint for including such a claim, on such terms as may be considered just.

23. In the present case, the petitioner filed suit for declaration and mandatory injunction. Further, as per file the petitioner was terminated in the year 2014 when he was 50 years of age. From 2014 till today i.e. 2025 (approximately 11 years), the petitioner is waiting for his reinstatement/consequential benefits which till date he has not received. The appeal filed by the respondent is also not yet decided. Even assuming that

appeal is to be decided today, the petitioner has already attained the age of superannuation i.e. 60 years, hence, no order of reinstatement or consequential benefit, can practically be implemented at this stage.

24. This situation is a classic instance of maxim *"justice delayed is justice denied"*. In circumstances, where reinstatement has become impossible owing to the petitioner having already attained the age of superannuation, justice can only be effectuated if meaningful relief is granted to the petitioner. Consequently, the reasoning given by learned Additional District Judge, Gurugram, while passing order dated 19.10.2023 and order dated 25.07.2025 is not acceptable to this Court. Justice demands that since the relief asked for by the petitioner in the civil suit for reinstatement cannot be granted as on date, therefore, his application for amendment of civil suit should have been allowed even at this stage as per Section 40 of the Specific Relief Act, 1963. Further, a perusal of the file shows that in the civil suit also, the petitioner has prayed for any other relief which the Court deem fit in addition to setting aside of termination order dated 09.10.2014. Courts, while deciding the cases, must take into account facts and circumstances of each case and ensure that justice is not reduced to a mere formality. The cases should be dealt with empathetically. In the present case, as on date, the petitioner cannot be reinstated and the whole purpose of his filing the civil suit has become redundant.

25. Now coming to the judgments of Hon'ble Supreme Court referred to by the learned counsel for the petitioner:-

i) The Hon'ble Supreme Court in ***Ragu Thilak D. John Vs. S. Rayappan and Others*** [(2001) 2 Supreme Court Cases 472] held that change

in the nature of suit originally filed was not a reason for reviving application for amendment. Dominant purpose of Order VI Rule 17 was to minimize litigation. Appellant filing suit against respondents for permanent injunction restraining them from demolishing his compound wall and during the pendency of suit respondents entered his property and demolished the wall. Therefore, appellant filing application for amendment of plaint including incorporation of relief of recovery of damages is required to be allowed. The relevant portion of the same is reproduced as under:-

> *"4. In view of the subsequent developments, the appellant filed an application under Order 6 Rule 17 for the amendment of the plaint for adding paras 8(a) to 8(f) in his plaint. The trial court rejected his prayer and the revision petition filed against that order was dismissed by the High Court vide order impugned in this appeal, mainly on the ground that the amendment, if allowed, would result in introducing a new case and cause of action. It was further held that as the appellant was seeking recovery of damages, the amendment could not be allowed as it would allegedly change the nature of the suit. It was also observed that the amendment sought was barred by limitation.*
>
> *XXXX XXXX XXXX XXXX*
>
> *6. If the aforesaid test is applied in the instant case, the amendment sought could not be declined. The dominant purpose of allowing the amendment is to minimise the litigation. The plea that the relief sought by a way of amendment was barred by time is arguable in the circumstances of the case, as is evident from the perusal of averments made in paras 8(a) to 8(f) of the plaint which were sought to be incorporated by way of amendment. We feel that in the circumstances of the case the plea of limitation being disputed could be made a subject-matter of the issue after allowing the amendment prayed for."*

ii) The Hon'ble Supreme Court in ***Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited and Another*** [(2022) 16 Supreme Court Cases 1] held as under:-

> *"**71.** Our final conclusions may be summed up thus"*
>
> ***71.1*** *Order 2 Rule 2 CPC operates as a bar against a subsequent suit if the requisite conditions for application thereof are satisfied and the field of amendment of pleadings fall far beyond its purview. The plea of amendment being barred under Order 2 rule 2 CPC is, thus, misconceived and hence negatived.*
>
> ***71.2.*** *All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. This is mandatory, as is apparent from the use of the word "shall", in the latter part of Order 6 Rule 17 CPC.*
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> ***71.3.*** *The prayer for amendment is to be allowed:*
>
> ***71.3.1.*** *If the amendment is required for effective and proper adjudication of*
>
> *the controversy between the parties.*
>
> ***71.3.2.*** *To avoid multiplicity of proceedings, provided*
>
> *(a) the amendment does not result in injustice to the other side,*
>
> *(b) by the amendment, the parties seeking amendment do not seek to withdraw any clear admission made by the party which confers a right on the other side, and*
>
> *(c) the amendment does not raise a time-barred claim, resulting in divesting of the other side of a valuable accrued right (in certain situations).*
>
> ***71.4.*** *A prayer for amendment is generally required to be allowed unless:*

71.4.1. *By the amendment, a time-barred claim is sought to be introduced, in which case the fact that the claim would be time-barred becomes a relevant*
factor for consideration.

71.4.2. *The amendment changes the nature of the suit.*

71.4.3. *The prayer for amendment is mala fide, or*

71.4.4. *By the amendment, the other side loses a valid defence."*

71.5. *In dealing with a prayer for amendment of pleadings, the court should avoid a hypertechnical approach, and is ordinarily required to be liberal especially where the opposite party can be compensated by costs.*

71.6. *Where the amendment would enable the court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed.*

71.7. *Where the amendment merely sought to introduce an additional or a new approach without introducing a time-barred cause of action, the amendment is liable to be allowed even after expiry of limitation.*

71.8. *Amendment may be justifiably allowed where it is intended to rectify the absence of material particulars in the plaint.*

71.9. *Delay in applying for amendment alone is not a ground to disallow the prayer. Where the aspect of delay is arguable, the prayer for amendment could be allowed and the issue of limitation framed separately for decision.*

71.10. *Where the amendment changes the nature of the suit or the cause of action, so as to set up an entirely new case, foreign to the case set up in the plaint, the amendment must be disallowed. Where, however, the amendment sought is only with respect to the relief in the plaint, and is predicated on facts which are already pleaded in the plaint, ordinarily the amendment is required to be allowed.*

> ***71.11.*** *Where the amendment is sought before commencement of trial, the court is required to be liberal in its approach. The court is required to bear in mind the fact that the opposite party would have a chance to meet the case set up in amendment. As such, where the amendment does not result in irreparable prejudice to the opposite party, or divest the opposite party of an advantage which it had secured as a result of an admission by the party seeking amendment, the amendment is required to be allowed. Equally, where the amendment is necessary for the court to effectively adjudicate on the main issues in controversy between the parties, the amendment should be allowed.*

iii) The Hon'ble Supreme Court in ***Jose Paulo Coutinho Vs. Maria Luiza Valentina Pereira and Another*** [(2019) 20 Supreme Court Cases 85] held as under:-

> *"35. It is a well settled principle of statutory interpretation that when there is a conflict between the general law and the special law then the special law shall prevail. This principle will apply with greater force to special law which is also additionally a local law. This judicial principle is based on the Latin maxim generalia specialibus non derogant i.e. general law yields to special law should they operate in the same field on the same subject. Reference may be made to the decision of this Court in R.S. Raghunath v. State of Karnataka[9] CTO v. Binani Cements Ltd.[10] and Atma Ram Properties (P) Ltd. v. Oriental Insurance Co. Ltd. [11]"*

iv) The Hon'ble Supreme Court in ***Rajesh Kumar Aggarwal and Others Vs. K.K. Modi and Others*** [(2006) 4 Supreme Court Cases 385] held as under:-

"18. As discussed above, the real controversy test is the basic or cardinal test and it is the primary duty of the court to decide whether such an amendment is necessary to decide the real dispute between the parties. If it is, the amendment will be allowed; if it is not, the amendment will be refused. On the contrary, the learned Judges of the High Court without deciding whether such an amendment is necessary have expressed certain opinions and entered into a discussion on merits of the amendment. In cases like this the court should also take notice of subsequent events in order to shorten the litigation, to preserve and safeguard the rights of both parties and to subserve the ends of justice. It is settled by a catena of decisions of this Court that the rule of amendment is essentially a rule of justice, equity and good conscience and the power of amendment should be exercised in the larger interest of doing full and complete justice to the parties before the court.

19. While considering whether an application for amendment should or should not be allowed, the court should not go into the correctness or falsity of the case in the amendment. Likewise, it should not record a finding on the merits of the amendment and the merits of the amendment sought to be incorporated by way of amendment are not to be adjudged at the stage of allowing the prayer for amendment. This cardinal principle has not been followed by the High Court in the instant case.

28. Since the Court has entered into a discussion into correctness of falsity of the case in the amendment, we have no other option but to interfere with the order passed by the High Court. Since it is settled law that the merits of the amendment sought to be incorporated by way of amendment are not to be adjudged at the stage of allowing prayer for amendment, the order passed by the High Court is not sustainable I law as observed by this Court in Sampath Kumar V. Ayyakannu."

v) The Hon'ble Supreme Court in ***K.R. Suresh Vs. R. Poornima and others*** [(2025) SCC OnLine SC 1014] held as under:-

> *"56. The expression "at any stage of the proceeding" has been judicially interpreted to include the appellate stage as well, as affirmed by a catena of High Court decisions. This interpretation entails that that an amendment of the plaint to incorporate a prayer for the alternative relief of refund of earnest money may be sought even during the first appeal from the original decree passed in a suit for specific performance. The non-obstante clause attached to Section 22(1) of the 1963 Act grants it an overriding effect, thereby excluding the operation of the Civil Procedure Code, 1908. Further, the use of the word "shall" in the proviso to Section 22(2) imposes a mandate upon the court to allow the amendment of plaint, as sought by the party, at any stage. [See: Sahida Bibi v. Sk. Golam Muhammad, 1982 SCC OnLine Cal 59; Tarit Bhowmik v. Mukul Day, 2014 SCC OnLine Cal 5361]"*

CONCLUSION

26. In view of the principles laid down by the Hon'ble Supreme Court in the judgments referred to above, it is evident that an amendment of the plaint is to be permitted where such amendment is necessary to ensure complete and effective justice to the party seeking it. While considering prayer for amendment of pleadings, the Court is expected to adopt a pragmatic and liberal approach rather than a hyper-technical one, particularly in situations when the opposite party can be compensated with costs.

27. It is equally well established that when the amendment sought pertains solely to the relief prayed for in the plaint, and is based upon facts

already pleaded therein, such amendment should ordinarily be allowed in order to advance justice and to resolve the real controversy between the parties. Moreover, the Hon'ble Supreme Court has categorically held that in the event of a conflict between a general law and a special law, the latter would prevail.

28. Accordingly, in the present case, the specific provision contained in Section 40 of the Specific Relief Act, 1963 i.e. enabling the grant of damages in addition to, or in substitution for, injunction would prevail over the general provision of Order VI Rule 17 CPC, which governs amendment of pleadings and incorporates condition of due diligence.

29. Furthermore, the Hon'ble Supreme Court has held that the primary duty of the Court, while considering an amendment, is to determine whether such amendment is necessary for deciding the real dispute between the parties. If it is necessary, the amendment must be allowed, and if not, it may be refused. The Court is also required to take note of subsequent events so as to curtail litigation and ensure effective adjudication.

30. It is trite law that rule of amendment is essentially a rule of justice, equity, and good conscience, intended to preserve and safeguard the rights of both parties and to sub-serve the ends of justice. The power to allow amendment should therefore be exercised in the larger interest of doing full and complete justice between the parties.

31. In the present case, if the amendment is not permitted, the petitioner despite having instituted the civil suit promptly and in due course would be deprived of any effective relief, as the original prayer has become infructuous with the passage of time. Thus, this Court is of the considered

view that the amendment sought by the petitioner deserves to be allowed in order to serve complete and effective justice.

32. In view of the foregoing discussion, the present revision petition is ***allowed***. Accordingly, order dated 19.10.2023 passed by the learned Additional District Judge, Gurugram, as well as the order dated 25.07.2025 passed by the learned Additional District Judge, Gurugram, are hereby ***set aside***.

33. Accordingly, application moved by the petitioner under Order VI Rule 17 read with Section 151 CPC for amendment of plaint to amend the prayer clause of the plaint by incorporating the relief that "*respondent may kindly be directed to pay damages to the tune of Rs.1,25,99,500/- to the plaintiff on account of illegal termination of the plaintiff from services alongwith interest @18% per annum"*, is ***allowed***, subject to payment of costs of Rs.1,000/-.

34. The petitioner is further directed to deposit the requisite court fee in accordance with law, keeping in view that, pursuant to the amendment, a monetary claim of Rs.1,25,99,500/- has been raised in the plaint.

23.09.2025 **(SUDEEPTI SHARMA)**
Sahil **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No