

(Equivalent Citation:- 2013 (138) DRJ 570, 2013(9) AD(Del.) 169, 2013 (IX) AD (Del.) 169)

**2013 (DLT SOFT) 192
DELHI HIGH COURT**

Mukta Gupta, J.

BUTNA DEVI—Plaintiff

versus

AMIT TALWAR AND ORS.—Defendants

***I.A. No. 4672 of 2013 (O.6 R.17 CPC) in CS (OS) No. 1687 of 2006—Decided on
1.10.2013***

**Civil Procedure Code, 1908 — Order 6 Rule 17 r/w Section 151 —
Amendment of written statement — Leave to amend written statement
cannot be denied on ground that trial had commenced — Period of limitation
for counter claim will have to be reckoned from date of cause of action
accruing to Defendant which would be after filing of plaint — Defendant
permitted to amend written statement and file counter claim.**

Result : Application allowed.

Cases referred:

1. ***Andhra Bank v. ABN Amro Bank N.V. and Others***, [VI \(2007\) SLT 653](#). (Referred) [\[Para 3\]](#)
2. ***Rajesh Sharma v. Krishan Pal and Another***, [183 \(2011\) DLT 791](#). (Referred) [\[Para 3\]](#)
3. ***Smt. Neelam Gupta v. Smt. Sheela Devi and Others***, [87 \(2000\) DLT 368](#). (Referred) [\[Para 4\]](#)
4. ***Baldev Singh and Others v. Manohar Singh and Another***, [VI \(2006\) SLT 54](#). (Relied) [\[Para 9\]](#)
5. ***Link Engineering (P) Ltd. v. Asea Brown Boveri Ltd. & Others***, [140 \(2007\) DLT 533](#). (Relied) [\[Para 10\]](#)
6. ***Ajendraprasadji N. Pande and Another v. Swami Keshavprakeshdasji N. and Others***, [I \(2008\) SLT 159](#). (Relied) [\[Para 10\]](#)
7. ***Mohd. Saleem and Others v. Naseer Ahmed***, AIR 2007 Del. [\[Para 11\]](#)
48. (Relied)

Counsel for the Parties :

For the Plaintiff : **Mr. R.M. Sinha**, Advocate.

For the Defendant : **Mr. Aman Mehta**, Advocate.