



**RAMA  
UNIVERSITY**

[www.ramauniversity.ac.in](http://www.ramauniversity.ac.in)

## **FACULTY OF JURIDICAL SCIENCES**

**COURSE: B.A.LL.B. 1st Semester**

**SUBJECT: ADVANCE LEGAL WRITING SKILL-I**

**SUBJECT CODE: BAL 108**

**LECTURE: 37**

**NAME OF FACULTY: Ms. Anjali Dixit**

# Lecture-37



#### **4. Written Statement**

In general terms, a written statement is defendant's reply to the Plaintiff's plaint. In the case of **Food Corporation of India v. Yadav** the Court observed that it is a term of specific connotation ordinarily signifying a reply to the plaint filed by the plaintiff.

Order VIII rule 1 of Code of Civil Procedure, 1908 requires that the Defendant shall file written statement within 30 days from the date of service of summons on him. However, the Court on recording reasons can extend the time to file written statement on any other day, which shall not go beyond 90 days from the date of service of summons.

What does written statement comprise of?

While drafting a written statement, the defendant shall refer rules for drafting under Order VI and VIII of Code of Civil Procedure, 1908. It comprises of defendant's reply to the plaint, the defendant can also bring in his claim for set-off and counter claim.

If the defendant in his reply relies on certain documents and if those documents are in his possession then the defendant shall file those documents along with the written statement.

Denial should be specific- The denial by the defendant of the claims made in the plaint shall be specific. It is not sufficient for a defendant in his written statement to deny generally the grounds alleged by the plaintiff but he must deal specifically with each allegation made by the plaintiff in the plaint.

Every allegation of fact in the plaint, if not denied specifically or by necessary implication shall be taken to be admitted except as against a person under disability.

#### **5. Amendment of Pleadings**

An application for amendment of pleading can be made at any stage of proceeding. An application for amendment of pleading can be made by the Plaintiff as well as the Defendant.

An application for amendment of pleading will not entertained after trial commences, unless the Court is of the opinion that inspite of due diligence, a party could not have raised the matter before the commencement of the trial.

### **In which cases amendment of pleadings allowed?**

In the case of **Rajendar Kumar v. Dipinder Kumar Sethi** the Supreme Court opined that generally all amendments would be allowed which are necessary for the purpose of determining the real question in controversy between the parties to any proceedings or for correcting any defect or error in any proceedings

An amendment to pleadings shall not alter or substitute a new cause of action on the basis of which original cause of action was raised or defence taken

## MCQ

---

**1) When was the Supreme Court of India first inaugurated?**

- a) 15th August, 1947
- b) 26th November, 1949
- c) 28th January, 1950
- d) 30th January, 1949

**2) Which is the highest judicial authority in India whose decisions are binding on all courts?**

- a) Supreme Court
- b) Parliament
- c) Law Minister
- d) Lok Sabha

**3) How many judges are there in the Supreme Court?**

- a) 26 judges including the Chief Justice of India
- b) 30 judges including the Chief

Justice of India

- c) 31 judges including the Chief Justice of India
- d) 49 judges including the Chief Justice of India

**4) Who appoints the judges of the Supreme Court?**

- a) Prime Minister
- b) Chief Justice of India
- c) Lok Sabha
- d) President

**5) Which among the following is NOT a criteria for being eligible to be a judge of the Supreme Court?**

- a) judge of one high court or more (continuously), for at least five years
- b) an advocate of Supreme Court for at least ten years
- c) a distinguished jurist in the opinion of the president
- d) above 40 years of age



**RAMA**  
**UNIVERSITY**

[www.ramauniversity.ac.in](http://www.ramauniversity.ac.in)