

**Judgement Writing : Construction contract Suit**

In August 2021, 'A', a homeowner, filed a suit against 'B', a construction company, for damages due to defective construction that led to significant water leakage in her new home. The suit detailed negligence in the construction process and sought compensation for the repair costs and related damages. In the course of the proceedings, 'A' discovered that 'C', an architect, had also played a crucial role in the defect, having approved inadequate building plans and overlooked crucial structural requirements.

In March 2022, 'A' seeks to amend the plaint to include 'C' as a co-defendant, arguing that the discovery of 'C's involvement was made only after inspecting detailed architectural plans and construction documents provided during discovery. 'B' opposes the amendment, arguing that the inclusion of 'C' at this stage would delay the proceedings and complicate the matter unnecessarily.

**Draft an order on 'A's application for amendment of the plaint, addressing the legal and procedural considerations for allowing such an amendment.**

**IN THE COURT OF DISTRICT JUDGE**  
**Civil Suit No.: XYZ of 2021**

Between:  
'A' (Plaintiff)  
and  
'B', Construction Company (Defendant)  
and  
'C', Architect (Proposed Co-Defendant)  
Date of Order: [Insert Date]  
Presiding Judge: Hon'ble Judge [Insert Name]

**ORDER**

The matter before the Court is an application filed by the Plaintiff, 'A', seeking to amend the plaint to include 'C', an architect, as a co-defendant in the ongoing civil suit against 'B', a construction company. The original suit alleges negligence in the construction of 'A's home, which resulted in significant water leakage and consequent damages. The Plaintiff now contends that the involvement of 'C' was discovered during the discovery phase, where it became evident that 'C' had approved inadequate building plans and overlooked essential structural requirements.

**Arguments Presented:**

**Plaintiff's Submissions**

The Plaintiff submits that the amendment is crucial for the just resolution of the case as it brings all necessary parties to the suit, ensuring that any decision encompasses all responsible entities. The Plaintiff argues that the inclusion of 'C' is based on facts unearthed during the discovery process, which were not known at the commencement of the litigation. This amendment, according to the Plaintiff, is not meant to delay the proceedings but to address all aspects of negligence comprehensively.

**Defendant 'B's Submissions**

The Defendant opposes the amendment, arguing that the inclusion of 'C' at this advanced stage of the proceedings would lead to undue delays and complicate the matter, potentially requiring a restart of discovery and further prolonging the resolution of the case.

**Legal and Procedural Considerations**

Under the provisions of the Code of Civil Procedure, 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. The amendment of pleadings is a matter of discretion of the court; however, this discretion must be exercised in the interests of justice and not merely on technical grounds.

**Analysis**

Relevance of Amendment: The involvement of 'C', as unearthed during discovery, appears to be substantially relevant to the determination of the root causes of the alleged defects in construction. Including 'C' could potentially alter the direction of liability and damages.

Potential Delay vs. Complete Justice: While the inclusion of 'C' as a co-defendant may indeed introduce some delay in the proceedings, the necessity for a comprehensive adjudication that addresses all aspects of the alleged negligence outweighs the concerns of procedural delays. It is paramount that the Court does not enforce a piecemeal approach to justice.

Prejudice to the Parties: There appears to be minimal prejudice to 'B' if 'C' is added as a co-defendant, as 'B' will still be able to defend against the same factual circumstances, albeit with the context of 'C's involvement.

**Order**

In light of the above considerations, the Court finds that the amendment of the plaintiff to include 'C' as a co-defendant will serve the interests of justice. Accordingly, the Plaintiff's application to amend the plaintiff is hereby Granted.

The Plaintiff is directed to file the amended plaintiff including 'C' as a co-defendant within 14 days from the date of this order. The timelines for the revised discovery process and further proceedings will be adjusted accordingly to accommodate this amendment.

Delivered by:  
[Insert Judge's Name]  
[Insert Judicial Title]  
[Insert Date of Order]