

A.No.3107 of 2016
in C.S.No.669 of 2011

M.M.SUNDRESH, J.

The suit is filed for recovery of money towards damages on the ground that the respondent/defendant has stayed unauthorisedly in the premises belonged to the applicant. The application is filed to amend the address of the respondent/ defendant in the plaint.

2. It appears that earlier the respondent was set ex-parte as wrong address was noted. Later, the ex-parte order was set aside on terms. According to the applicant, the applicant came to know about the correct address of the respondent only after seeing the written statement.

3. The learned counsel for the respondent submits that having known the correct address, wantonly incorrect address was mentioned to obtain an ex-parte decree, which was subsequently set aside, in which, the correct address was shown, the said contention cannot be a ground to deny the relief sought for.

4. Admittedly, the suit is still pending. The respondent has already come on record. In order to get over the technical objection, this application is filed. The respondent would not be prejudiced by allowing this application. Amendment is also not substantive in nature to affect the rights of the respondent. Hence, the application is ordered.

22.07.2016

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