

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

O.S.A. No.193 of 2016
and C.M.P.No.14522 of 2016

Vijay Pai
Promoter and Director,
S.M.Apparels
Private Limited.
No.33 2nd Street,
Kamaraj Avenue Near SRO
Adayar, Chennai 600 020

... Appellant

-vs-

1.Max Trade Limited,
Rep. by its Authorised Signatory,
Mr.V.Venkatasubramanian
Writ A 9/F FU HOP Factory Building
209-211 Wai Yip St, Kwun Tong,
Kowloon Hong Kong ..

2.M/s.S.M.Apparels (P) Ltd.
No.45-A, Main Road, Velachery,
Chennai 600 042.

.. Respondents

Appeal filed under Order XXXVI Rule 11 of O.S. Rules read with Clause 15 of the Letters Patent against the fair and decretal order dated 20.04.2016 made in Appln. No.828 of 2016 in C.S.No.63 of 2012 on the file of original side of this Court.

For Appellant: Mr.T.Mohan

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The appeal is directed against the impugned order of the learned Single Judge dated 20.04.2016 permitting amendment of the plaint.

2.The suit is based on a financial transaction. The incorporated pleadings now seek to expound further the claim that the corporate veil should be lifted to fasten liability even on the appellant as the Promoter and Director. It is the case of the appellant that this would amount to permitting a new plea.

3.The original plaint itself sought to make out the case of certain communications being sent on behalf of the appellant. Whether the particular case is one where the corporate veil can be permitted to be lifted or not to fasten the liability on the appellant is purely a question of trial. No doubt, there is no direct allegation of personal capacity liability of the appellant, but then the liability is sought to fasten on the appellant on the principle of lifting of the corporate veil.

4.We may also note that the written statement has also not been filed as yet.

5.For all the aforesaid reasons, we are of the view that no ground is made out to interfere with the impugned order permitting the amendment in the plaint.

6.Original Side Appeal is dismissed. No costs.

7.The written statement along with the documents be filed within four (4) weeks.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

The Sub Assistant Registrar
Original Side, Madras High Court,
Chennai.

+ 1 cc to Mr.T.Mohan, Advocate SR.52251

O.S.A.No.193 of 2016

MG(CO)

Eu 20.09.16