

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 28TH DAY OF AUGUST 2017

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A.No.601 of 2017
in
C.S. No.17 of 2006

M/s.Enkay Visions (P) Ltd.,
No.798-C/1, Pannerselvam Salai,
K.K.Nagar, Chennai-600 078.
Through its Managing Director,
Mr.N.Krishnaswamy.

...Applicant/Plaintiff

VS

1.Doordarshan,
By its Director General,
Mandi House,
Corpernicus Marg,
New Delhi-110 001.

2.Prasar Bharathi,
By its Chief Executive Officer,
P.T.L Building, sansad Marg,
New Delhi-110 001.

...Respondents/Defendants

A.No.601 of 2017:-

Application praying that this Hon'ble Court be pleased to should not be pass an order to permit the applicant to amend the plaint by substituting the word ''Plaint'' in the place of ''decree '' in plaint para-15 prayer (a).

This application coming on this day before this court for hearing the court made the following order:

The application has been filed seeking to amend the plaint by substituting the word "Plaint" in the place of

"Decree" in plaint para 15 prayer (a). Suit had been filed for recovery of money. In the relief, a claim for interest was also sought.

2. It is normal that interest has to be granted from the date of institution of the suit till the date of realization. However, in the plaint, the word "decree" has been used instead of from the date of "plaint". Consequently, this application has been filed.

3. The learned counsel for the respondents stated that on an earlier occasion another application was taken out and in that, the word "Entitlement" was sought to be included instead of "Decree". The said application was also argued and orders were passed. This application has been filed after referring to the above application. The amendment is only formal in nature. It does not change the cause of action. It does not bring about the new cause of action, consequently amendment application is allowed. However, the Court is also to keep in mind the fact that this amendment is made pending the suit and consequently, if at all the issue of interest is to be decided, the Court must keep in mind that the plaintiff has actually sought interest from the date of filing the amendment application and the amendment application has been allowed only on this date, namely, 28.08.2017.

4. With such observations, this application is allowed. Plaintiff is directed to carry out the amendment and file amended plaint copy on 13.09.2017.

Sd/-C.V.K.J

28.08.2017

//Certified to be a true copy//

Dated this the day of 2017.

EM/08.09.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.