



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.11.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
C.R.P. (MD) .No.1513 of 2016 (PD)

WEB COPY

State Bank of Travancore, Kovilpatti
Represented by its Branch Manager.

... Petitioner/Petitioner/Plaintiff
Vs.

1.K.Sankarappa Naicker
2.S.Venugopal
3.S.Sivaraman
4.S.Ramasubbu
5.S.Senthilkumar

... Respondents/Respondents/Defendants

Prayer: Petition is filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.201 of 2014 in O.S.No.33 of 2011, dated 28.04.2016 on the file the Subordinate Judge, Kovilpatti, Tuticorin District.

For Petitioner : Mr.L.Prabakar

For Respondents : Mr.V.Perumal

ORDER

The petitioner is the plaintiff and the respondents are the defendants. The petitioner/plaintiff filed a suit in O.S.No.33 of 2011 before the Subordinate Court, Kovilpatti for a mortgage decree. Pending suit, the petitioner/plaintiff filed an interlocutory application in I.A.No.201 of 2014 to amend the plaint to the effect that outstanding loan amount was Rs.4,60,000/- instead of Rs.4,50,000/-. The Trial Court however dismissed the said application. Aggrieved against the said order, the petitioner is before this Court.

2. The learned counsel for the petitioner would submit that all the documents submitted by the petitioner-bank would go to show that the amount due by the respondents is Rs.4,60,000/- except the plaint and due to inadvertent a mistake has been crept up in the plaint in paragraphs 4, 5 and 10. Therefore the petitioner-bank has come forward with the above application for amendment of the plaint.

<https://hcservices.courts.gov.in/hcservices/>
3. The learned counsel for the respondents also fairly accepted the fact that in all the documents it is mentioned that



the outstanding amount is Rs.4,60,000/- except the plaint.

4. Considering the fact that in all the documents the outstanding amount is mentioned as Rs.4,60,000/- except in the plaint, the learned Trial Judge ought to have allowed the said application. Therefore, the order of the learned Trial Judge in I.A.No.201 of 2014 is set aside and the amendment is ordered. Accordingly, in paragraphs 4, 5 and 10 of the plaint, the outstanding amount shall be read as Rs.4,60,000/- instead of Rs.4,50,000/-. Since the suit is of the year 2011 and money said to have been recovered by the Public Bank, to meet the ends of justice, the Trial Court is directed to dispose of the suit in O.S.No.33 of 2011 within a period of 6 months from the date of receipt of a copy of this order.

5. In the result, the civil revision petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Kovilpatti,Tuticorin District.

+1cc to Mr.V.PERUMAL,Advocate,SR. 85548

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