

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

THE HON`BLE MR.JUSTICE A.SELVAM

AND

THE HON`BLE DR.JUSTICE G.JAYACHANDRAN

CMP No.540 of 2018

in AS No.187 of 2017

S. MOHAN SANKAR

[PETITIONER]

Vs

1 M.PALANISAMY

[RESPONDENTS]

2 P.PARAMESHWARI

3 N.MURUGUSAMY

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner/plaintiff to amend the plaint as follows: 1. The short cause titile of 3rd defendant as N.Murugasamy, Power of Attornery Agent of M.Palanisamy and P.Parameswari and 2.The long cause titile of the 3rd defendant as N.Murugasamy, Power of Attorney Agent of M.Palanisamy and P.Parameswari pending AS No.187 of 2017.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.SANKAR, Advocate for the petitioner the court made the following order:-

[Order of the Court was made by A.SELVAM, J.]

This petition has been filed praying to amend both short cause title and long cause title of the plaint as well as appeal grounds as set out therein.

2.It is averred in the petition that the first respondent herein, as plaintiff, has instituted O.S.No.204 of 2014 on the file of the trial Court, for getting a relief of specific performance and also for permanent injunction, wherein, the present appellants and the second respondent have been arrayed as defendants. In fact, the second respondent/third defendant is the Power of Attorney agent of

defendants 1 and 2. But the same has not been properly mentioned in the short cause title and also in long cause title of the plaint. Further, it is averred in the petition that the Power Deed alleged to have been given by the defendants 1 and 2 in favour of the third defendant is marked as Ex.A7. Under such circumstances, the present petition has been filed for getting the reliefs sought therein.

3.It is an admitted fact that the first respondent herein, as plaintiff, has instituted O.S.No.204 of 2014 on the file of the trial Court, for reliefs mentioned supra, wherein, necessary materials are found place that the defendants 1 and 2 are represented by the third defendant as their Power of Attorney agent. Further, the Power of Attorney Deed has also been marked as Ex.A7.

4.In spite of the particulars mentioned supra, no mention has been made in the short as well as long cause title of the plaint and also in the lower Court judgment. Further, those things have not been mentioned in the cause title of the present appeal.

5.Considering the aforesaid factual circumstances, the present petition can be allowed.

In fine, this petition is allowed.

-sd/-

29/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE THIRD ADDITIONAL DISTRICT
JUDGE, DHARAPURAM, TIRUPPUR DISTRICT.

C.C. to M/S.G.SANKAR Advocate on payment of necessary charges

Order

in

CMP.540/2018

in

AS.187/2017

Date :29/01/2018

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VS 02.03.2018