



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 12TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE M.SUNDAR

A. No.2793 of 2018
in
C.S. No.778 of 2014

M/s. Trans Freight Shipping Services
Represented by its Proprietor
Mr.H.Ramesh
S/o. Late S.Haridas
Plot No.179, TSS Tower,
Kavuri Hills, Phase II,
Madhapur, Hyderabad - 81
Telangana State.

... Applicant/Plaintiff

-Versus-

Mr.N.K.Shashi Kumar
No.89-A, Santhome High Road,
Raja Annamallaipuram,
Chennai 28.

... Respondent/Defendant

Application praying that this Hon'ble Court be pleased to permit the Applicant/Plaintiff to amend the plaint in C.S.No.778 of 2014 as detailed in the particulars of amendment in the accompanying judges summons.

This application having been heard on 29.08.2018 in the presence of Mr.Arun C.Mohan, for Mr.D.Sai Kumaran, Advocate for the Applicant herein, and Mr.T.Mohan for Ms.Shanthi Meenakshi, Advocates for the respondent herein and upon reading the judges summons and the affidavit of Mr.H.Ramesh, filed herein, and having stood over for consideration till this date coming on this day before this court for orders of this court in the presence of the said advocates for the parties hereto, and this court having observed that this is precisely what the plaintiff is attempting to do in the instant case by pursuing this



amendment application, in other words, if the prayer in amendment application is acceded to, it would tantamount to permitting the plaintiff to seek for specific performance of share purchase agreement dated 14.06.2010 qua consultancy company after rescinding the alleged breach and seeking damages for the same, further to be noted, the plaintiff is continuing to seek damages qua consultancy company, in effect acceding to the prayer in the instant application would tantamount to allowing the plaintiff to do what they are prohibited from doing in the light of the principle laid down, it is ordered as follows:-

That the A.No. 2793 of 2018 be and is hereby dismissed.

2. That the both parties hereto, are left to bear their respective costs.

WITNESS THE HON'BLE SHRIMATI.VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 12th DAY OF SEPTEMBER 2018.

Sd./-

ASSISTANT REGISTRAR(O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

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3

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in
C.S. No.778 of 2014

ORDER

DATED : 12.09.2018

THE HON'BLE MR.JUSTICE
M.SUNDAR

FOR APPROVAL: 04.10.2018

APPROVED ON: 04.10.2018