

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.Nos.6886 & 6887 of 2018

in

C.S. No.252 of 2000

Ashok Leyland Finance Ltd
rep its duly constituted
attorney Sri.V.Govindarajan
"Sudarsan Building"
No.86, Chamiers Road
Alwarpet, Madras 600 018. ..Applicant/Plaintiff
(in both applications)

Vs

1. Premier Housing and Industrial
Enterprises Limited represented
by its Director M.Narayanmurthi
"Karumuttu Centre" No.498,
Anna Salai, Nandanam
Chennai 600 035.

2. Mr.M.Narayanamurthi
C-1, Lalitha Terrace,
No.4, East Abhiramapuram
First Street, Mylapore,
Chennai 600 004.

..Respondents/Defendants
(in both applications)

A.No.6886 of 2018

Application praying that this Hon'ble Court be
pleased to permit the applicant/Petitioner to amend the
plaint in C.S.No.252/00 as detailed in this Judges
summons.

A.No.6887 of 2018

Application praying that this Hon'ble Court be
pleased to permit the applicant/Petitioner to substitute
the name of the Petitioner with the name and address
"Indusind Bank Ltd having office at No.34, G.N.Chetty
Chetty Road, T.Nagar Chennai 600 017.

These Applications coming on this day before this court for hearing the court made the following order:

Mr.B.Pragadeesh, learned counsel representing the counsel on record for sole plaintiff is before this Commercial Division. To be noted, sole plaintiff in the main suit is the lone applicant in both these applications.

2. Defendants 1 and 2 in the main suit are Respondents 1 and 2 respectively in both these applications. Parties in these two applications are referred to by their respective ranks in the main suit.

3. According to learned counsel for plaintiff, these two applications have become necessary owing to an order dated 29.04.2004 made in C.P.No.88 of 2004, wherein and whereby the plaintiff company has merged with one Indusind Bank Limited and therefore, the name and address of plaintiff company has to be changed.

4. Prayer in A.No.6886 of 2018, which has been styled as an 'Amendment application' reads as follows:

"It is also prayed that this Hon'ble Court may be pleased to permit the applicant/plaintiff to amend the plaint in C.S.No.252 of 2000 in the long and short cause title by substituting the same of Indusind Bank Ltd instead of Ashok Leyland Finance Ltd., as detailed in the judges' summon and thus render justice"

5. Prayer in A.No.6887 of 2018, which has been styled as a 'Substitution Application' reads as follows:

"It is therefore prayed that this Hon'ble Court may be pleased to permit the

*Applicant/plaintiff to substitute the same and address of the plaintiff as "**IndusInd Bank Ltd., No.34, G.N.Chetty Road, T.Nagar, Chennai-600 017**" and thus render justice."*

6. In the light of the narrative supra and in the light of order dated 29.04.2004 in C.P.No.88 of 2004, wherein there is a merger, being the only reason, which has necessitated the filing of these applications, I find that the effect of both these applications is one and the same. Be that as it may, plaintiff has chosen to take out two applications. Ordering both the applications will have the same effect. As far as defendants are concerned, both defendants have entered appearance through a counsel and the name of the counsel is shown in the cause list, but none appears. In other words, defendants have not chosen to come before this Commercial Division to oppose this application.

I have heard learned counsel for plaintiff and perused the affidavit filed in support these applications. Prayers are innocuous. Both the applications are ordered as prayed for. Plaintiff is permitted to carry out the necessary and consequential amendments within a fortnight from today i.e., on or before 26.09.2018.

Sd/-M.S.J
12.09.2018

//Certified to be a true copy//
Dated this the day of 2018.

KY/17.09.2018 COURT OFFICER
From 25.09.2008 the Registry is issuing certified copies
of the Order/Judgment Decree in this format.