



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P.(MD)No.83 of 2014

WEB COPY

St.Joseph Carpentry Industries,  
by its Manager,  
Sudhakar,  
Pudukottai & District.

... Petitioner

vs

1.Special Officer,  
No.594, Kirunka Kottai Primary  
Agricultural Co.op.Bank Ltd.,  
Thiruppathur Taluk,  
Sivagangai District.

2.Secretary,  
No.594, Kirunka Kottai Primary  
Agricultural Co.op.Bank Ltd.,  
Thiruppathur Taluk,  
Sivagangai District.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decretal order in I.A.No.1 of 2013 in O.S.No.68 of 2006 dated 10.04.2013, Sub Court, Pudukottai.

For Petitioner : Mr.N.Balakrishnan  
For Respondents : Mr.J.Gunaseelan Muthaiah  
Additional Government Pleader

### **ORDER**

The plaintiff in the suit in O.S.No.68 of 2006 on the file of the Sub Court, Pudukottai is the revision petitioner. The civil revision petition has been filed as against the order of learned Sub Judge, Pudukottai, dismissing the application filed by the petitioner to amend the plaint.

2.The revision petitioner has filed the suit in O.S.No.68 of 2006 for recovery of a sum of Rs.1,16,960/- from the defendants and for other consequential reliefs.

3.While filing the suit in O.S.No.68 of 2006 before the learned Sub Judge, Pudukottai, the revision petitioner was shown as Manager in the plaint by name, in the short cause title. In the long cause title, the plaintiff was shown as Manager, St.Joseph Carpentry Industries. In the body of the plaint, the suit claim is on behalf of St.Joseph Carpentry Industries.



Industries.

4. Since there was a discrepancy in the short cause title and the suit was one really by Mrs. St. Joseph Carpentry Industries, the plaintiff filed an application for amendment of the cause title. This amendment application was resisted by the respondents on the ground that the plaintiff had not obtained any permission to conduct the suit as an authorised person and that the suit is not maintainable.

5. It is also contended that an individual, who is shown as the plaintiff in the short cause title, has no permission or authorisation to represent Mrs. St. Joseph Carpentry Industries.

6. Therefore, the contention of the respondents in the counter also would show the necessity and requirement for amendment of cause title. Surprisingly the application for amendment of cause title was dismissed on the ground that the amendment would change the cause of action as the suit has been laid by an individual for money due to him. Proper reading of plaint would show otherwise. Hence, the order of lower Court is un-sustainable.

7. Having regard to the nature of relief for which the suit was filed, this Court is of the view that the amendment is required and relevant and this civil revision petition is liable to be allowed in the interest of justice.

8. In the result, the civil revision petition is allowed and the order passed by the Sub Court, Pudukottai in I.A.No.1 of 2013 in O.S.No.68 of 2006 is set aside and the interlocutory application in I.A.No.1 of 2013 in O.S.No.68 of 2006 stands allowed. No costs.

Sd/

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge, Pudukottai.

+1cc to Mr. J. GUNASEELAN MUTHIAH, Advocate, SR.No. 71872

+1cc to Mr. N. BALAKRISHNAN, Advocate, SR.No. 71576

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