

A.No.2920 of 2018
in C.S.No.331 of 2014

N.SATHISH KUMAR.J.,

This application has been filed by the applicant/ plaintiff seeking permission to amend the short and long cause title of the plaint by substituting the "partner name" instead of "manager name".

2. It is the contention of the applicant that the suit has been filed by the Manager with authorisation. In the long cause title, instead of mentioning that the plaintiff is represented by its partner, it was mentioned as it is being represented by Manager. However, the plaintiff is a partnership firm. Hence, the amendment is sought.

3. Heard both sides.

4. In view of the discussion in A.Nos.4176 and 4177 of 2017, this Court is of the view that the plaintiff is represented by its Manager as stated in the plaint is only a curable mistake and such defect will not take away the substantial right of the parties. Though the suit has been filed by the Manager with some authorisation and not by the Power of Attorney and the partner himself was examined, the defect in authorisation would

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be cured since partner of the firm himself was examined. Amending the
plaint by including the "partner's name" instead of "Manager name" will
not change the cause of action or will not cause any prejudice to the
defendant.

5. Accordingly, the amendment is ordered.

Post the matter on 18.11.2019.

25.10.2019

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