



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

WEB COPY

CMP(MD) No.12412 of 2019

IN

AS(MD) No.132 of 2019

S.VELUCHAMY

... PETITIONER/1st RESPONDENT

Vs

1 S.LOKESHWARAN

2 R.SUBRAMANI

...1 & 2 RESPONDENTS/APPELLANTS

3 KARAIKUDI NATTAR NALA URIMAI SANGAM ANANDHA MADAM,
CAR STREET, KARAIKUDI,
SIVAGANGAI DISTRICT,
REP BY ITS REPRESENTATIVE
PR.SUBRAMANIAN @ SUBBU,

4 RM.SOMASUNDARAM

5 K.RAVIKUMAR

6 P.CHOCKALINGAM

... 3 to 6 RESPONDENTS/ 2 to 5 RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order permitting the petitioner/1st respondent/plaintiff to carry out the amendment as described in the schedule of the accompanying petition and thus render justice.

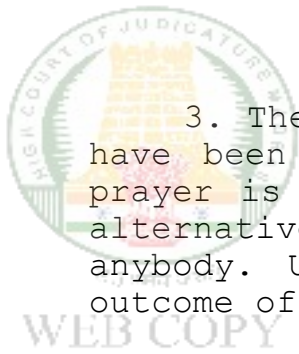
Prayer in AS(MD)No. 132/ 2019 :

Pleased to set aside the judgment and decree dated 01.07.2014 made in OS.No.34 of 2008 on the file of District Court, Sivagangai and allow this appeal suit.

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.S.SRINIVASA RAGHAVAN, Advocate for the petitioner and of Mr.M.Vallinayagam, Senior Counsel for Mr.K.Appadurai, Advocate for R1 & R2, the court made the following order:-

This application has been filed for amendment to include the alternative prayer for refund of advance amount in the plaint.

2. The respondents have no objection for allowing this application for amendment.



3. The suit itself is filed with regard to an agreement said to have been executed between the parties. However, the alternative prayer is not sought for at the first instance. Mere amendment of alternative prayer for refund of advance amount would not prejudice anybody. Ultimately, the prayer sought for will depend upon the outcome of the appeal and the main suit.

4. In view of the above, the amendment sought for is ordered.

5. Registry is directed to carry out the necessary amendment in the plaint prayer and post the main case on 02.01.2020.

sd/-
18/12/2019

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

The District Judge,
Sivagangai

Copy To:

The Section Officer,
VR Records,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CMP(MD) No.12412 of 2019 IN
AS(MD) No.132 of 2019
Date :18/12/2019

vrn
ES/VR/SAR 2/08.01.2020/2P/3C