

A.No.319 of 2020
in C.S.Nos.112 of 2018 and 561 & 562 of 2019

SENTHILKUMAR RAMAMOORTHY.J.

This application is filed under Order VI Rule 17 of the CPC to amend the plaint by inserting Para 16A after Para 16 of the Plaint as follows:

"16-A The defendant is a Green Card Holder of United States of America. The Suit property was purchased in Public Auction and the said Deepak become absolute owner of the property by virtue of the Release Deed. The alleged Sale relied on by the defendant become abinitio void. As a Green Card Holder of U.S. without verifying the title and without obtaining prior permission from the Reserve Bank of India allegedly purchased Front Portion of the property. Any purported Sale relied on by the defendant is not binding on the plaintiff. Hence the plaintiff herein filed the above suit to protect her right and title over the property."

2. I heard the learned counsel for the applicant/plaintiff and the learned counsel for the respondent/defendant. The learned counsel for the applicant/plaintiff submitted that the suit is filed for a declaration that the alleged sale deed dated 25.08.1983 executed in favour of the respondent is *ab initio* void and for a permanent injunction restraining the respondent/defendant from interfering with the possession of the applicant. He further submitted that the averments in paragraph 16A are important for purposes of deciding the case but it would not have the effect of altering the nature or character of the suit. Therefore, he submitted that this application is liable to be allowed.

SENTHILKUMAR RAMAMOORTHY.J.

gsi

3. The learned counsel for the respondent submitted that he has filed a counter to this application and that the amendment is not liable to be allowed.

4. I considered the submissions of the counsel for the respective parties and examined the plaint and affidavit in support of this application and also the counter affidavit. Upon consideration thereof, I find that the proposed amendment whereby the applicant seeks permission to introduce Paragraph 16A in the plaint would not have the effect of altering the nature and character of the suit. In addition, the parties are still at the pre-trial stage in the suit. Accordingly, I am of the view that this application is liable to be allowed. Accordingly, this application is allowed and the applicant is permitted to amend the plaint by inserting the proposed Paragraph 16A in the plaint. The learned counsel for the applicant shall carry out the necessary amendment within two weeks and thereafter serve the amended plaint on the learned counsel for the respondent.

5. List C.S.Nos.561 and 562 of 2019 on 12.02.2020 under the caption "for framing issues".

29.01.2020

gsi

A.No.319 of 2020
in C.S.Nos.112 of 2018 and 561 & 562 of 2019