

A.No.2113 of 2020
in
C.S.No.34 of 2015

C.V.KARTHIKEYAN,J.,

The suit is the stage of the continuation of the cross-examination of
P.W.1.

2. At this stage, application has been filed seeking to amend the
plaint.

3. The learned counsel for the respondent/defendant raised an
objection stating that since the trial has commenced and evidence is
being recorded, application under Order 6 Rule 17 seeking to amend the
plaint, will have to be examined very carefully by the Court.

4. Had the benefit of hearing both the learned counsels. The nature
of the amendment now sought is with respect to the description of the
defendant Company.

5. In the long cause title it had been stated that the defendant had
been incorporated under Indian Companies Act, 1956. However, it is
now stated that the defendant is actually Partnership Firm.

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6. By granting this amendment, I do not find any shift in the cause of action. The defendant would not be seriously prejudiced. As a matter of fact it would be only advantageous to the defendant since it is their description which is being corrected. Though the trial is in progress, I hold that the amendment would not seriously affect the progress of the trial or the proceedings held so far or the further proceedings to be conducted during the trial. There is no shift in the cause of action.

7. Consequently, the application is allowed and the Registry is directed to correct the long cause title as provided in the Judge's Summons and also in the Statement under Order 6 Rule 14(A) of C.P.C.

8. The learned counsel for the plaintiff may forward an amended copy of the plaint to the learned counsel for the defendant and also file the same in Court.

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24.09.2020

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