

A.No.2554 of 2020
in C.S.No.265 of 2020

C.V.KARTHIKEYAN J,

This application has been filed by the plaintiff to amend the plaint.

2. In the affidavit filed in support of the said application, it had been stated that the suit had been filed seeking a Judgment and Decree against the defendant for arrest and sale of the Vessel MV EAGLE which was berthed at the outer anchorage of the Tuticorin Port, Proceedings had continued in the said suit. During the proceedings, the defendant had also deposited US Dollars 55, 982.59 equivalent to Rs.4,11,1641.32 @ Rs.73.44 per US Dollar.

3. It is the case of the plaintiff that the said amount is due and payable to them. However, that relief can be decided only on conclusion of the trial. That can be done only when there is a relief sought to that extent. In view of that aspect, this application has been filed seeking to amend the plaint to incorporate the said relief. The necessary Court fees has also been paid.

C.V.KARTHIKEYAN.J.

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4. Heard the learned Senior counsels on both sides.

5. By way of this amendment there is no shift in the cause of action. In view of that one fact alone, the application is allowed.

6. Registry is directed to amend the plaint in accordance with the schedule given to the Judges Summons of the application and incorporate the other prayer seeking the said sum against the respondent.

7. In view of the above reasons, the application is allowed.

8. Registry to carry out the necessary amendment. Plaintiff to file the amended copy of the plaint and also to serve a copy on the defendant.

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24.11.2020
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