

A.No.153 of 2021
in C.S.No.334 of 2018

Dr.G.Jayachandran, J.

Application No.153 of 2021 is filed to amendment of the plaint as more fully stated in Schedule-A to the Judges Summons and direct the applicant/plaintiff for carrying out consequential amendments.

2. Heard the learned counsel for the petitioner/plaintiff.

3.From the affidavit, it appears that in the suit, which was filed for passing off and recovery of damages, certain invoices were not properly mentioned in the plaint and so, amendment to the effect of deleting two invoices and the Indian Rupee equivalent for canadian currency is sought by way of petition for amendment. Meanwhile, the defendant who received the suit summon failed to file written statement hence was set exparte.

4.Now the learned counsel for the defendants 1 to 3 represents that he has filed an application to set aside the exparte order and the same is pending in the Registry. As far as the relief to amend as sought in this application, is in effect restricting the suit claim in respect of two invoices and giving the value of the Canadian currency equivalent to Indian currency as on 19.01.2021.

DR.G.JAYACHANDRAN,J.

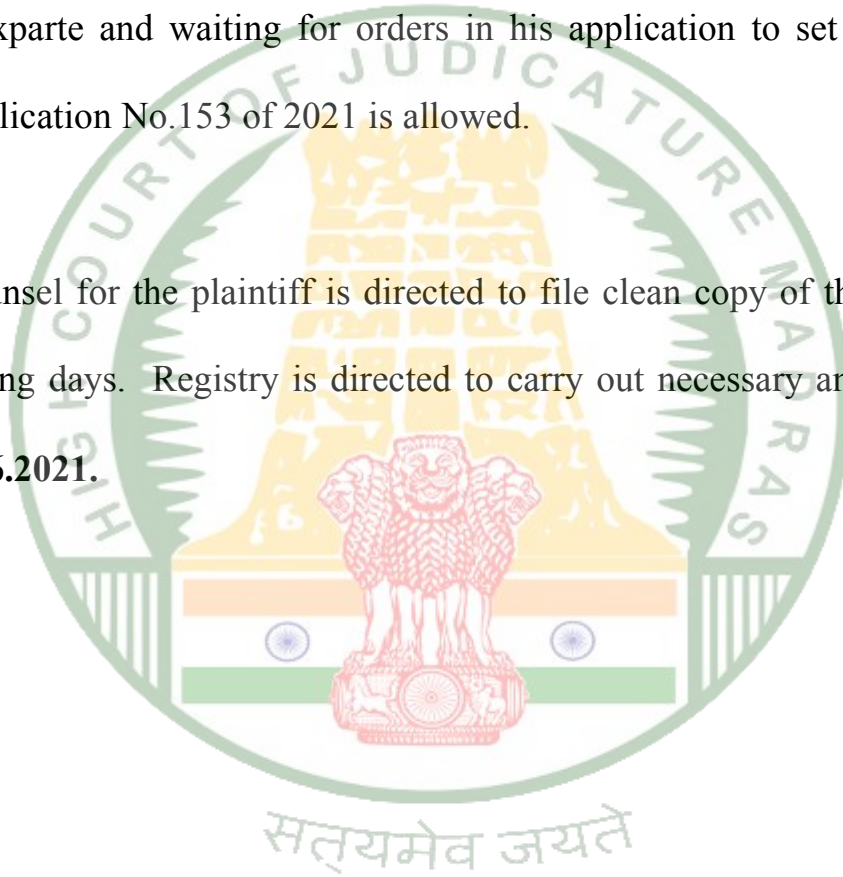
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5.Considering the prayer sought in this application, this Court is of the view that no prejudice will be caused to the defendants, if the application is allowed even though the defendant is set exparte and waiting for orders in his application to set aside the exparte order. Hence, Application No.153 of 2021 is allowed.

6.Learned counsel for the plaintiff is directed to file clean copy of the amended plaint within three working days. Registry is directed to carry out necessary amendment and list the matter on **29.06.2021**.

18.06.2021

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