

A.No.1594 of 2021
in
C.S.No.334 of 2014

R.SUBRAMANIAN.J.,

This application has been filed seeking to amend the plaint by deleting the name of the 8th defendant as Mr.Sujini Kakamanu S/o. K.Sudharshan and substituting Ms.Sujini Kakamanu D/o.K. Sudharshan in the short cause title and long cause title of the plaint.

2. This application is actually an application for amendment of the plaint to correct the mis-description of the 8th defendant as “S/o.K.Sudharshan” instead of “D/o.K.Sudharshan” and to replace the prefix “Mr.” by “Ms.”

3. Mr.Anand Sasidharan, learned counsel appearing for the defendants 7 and 8 would have no objection for this application being allowed.

4. Hence, the first prayer sought for to amend the name of the 8th defendant stands allowed.

5. As regards the second prayer, it is the claim of the learned counsel for the plaintiff that the suit was originally filed against one M/s.Pioneer Alloys Castings Limited. Upon realising that the said Company went in liquidation, the plaintiff has sought for substituting the Official Liquidator, High Court of Andhra Pradesh, Hyderabad as 1st defendant. The said amendment sought for in A.No.7997 of 2014 was allowed on 09.02.2015. The plaintiff however did not seek for consequential amendments in the body of the plaint.

6. During the cross examination, it appears that certain questions were put to the plaintiff witness regarding the mis-description and the witness was questioned as to who would be the actual 1st defendant in the suit. Realising the mistake, the present application has been filed seeking to substitute the word “*original 1st defendant viz., M/s.Pioneer Alloys Castings Limited*” instead of “*1st defendant*” in all the places in the plaint in C.S.No.334 of 2014 wherever the term 1st defendant appears.

7. Mr.Anand Sasidharan, learned counsel appearing for the respondents 7 and 8 contended that the application itself is mis-conceived and has been taken out to fill up the lacunae.

8. I do not see any justification in the opposition of the learned counsel for the respondents 7 and 8. Admittedly, the 1st defendant is a Limited Company that has gone into liquidation. Therefore, the Official Liquidator was substituted as 1st defendant. Consequential amendments should have been sought for even at the time when the Official Liquidator was substituted instead of the original 1st defendant. I therefore find that this application should be allowed and the same is **allowed**.

9. The learned counsel for the plaintiff to carryout amendment and file necessary amended plaint by 26.04.2021. Needless to state that the defendants have right to file additional written statement if so advised.

10. Post the suit on 27.04.2021.

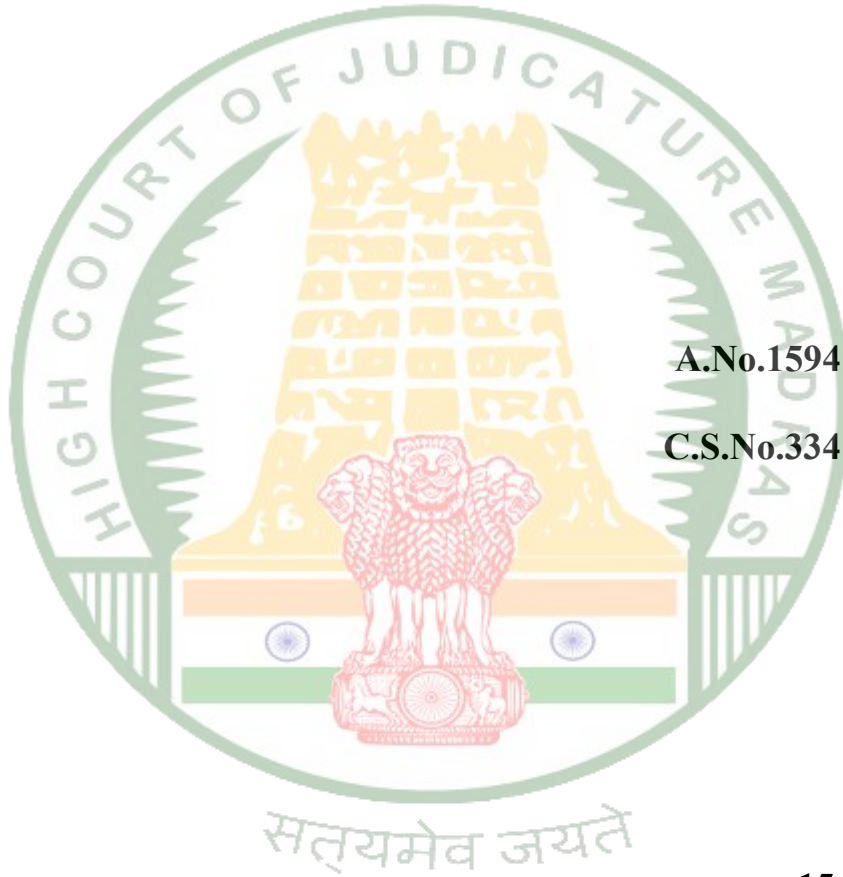
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