

A.Nos.2811 & 2812 of 2021
in
C.S(Comm.Div.).No.148 of 2020

DR.G.JAYACHANDRAN, J.

Notice to the 2nd defendant served through courier and the proof of service filed by the plaintiff is taken on record.

2. No representation for the 2nd defendant. The other defendants who have entered appearance through counsel have no objections for allowing the Application No.2811 of 2021 to receive additional documents and Application No.2812 of 2021 seeking permission to amend the plaint.

3. The application to amend the plaint is filed to the effect that the relief of compensation as damages for the belated delivery and same is restricted against the defendants 1 and 2 in the plaint. At the inception of instituting the plaint due to prevailing Covid Pandemic situations, the permission of this Court sought to file a separate application under Order II Rule 2 of C.P.C., for seeking damages after ascertaining the damages. Therefore, this Court is of the view that having got the particulars and ascertained the damages, the plaintiff has come forward to amend the plaint by inserting para 36 (a) to (k) and also to suitable amend the relief portion.

DR.G.JAYACHANDRAN, J.

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4. Since the suit is at very nascent stage, no prejudice will be caused to any of the parties, if the amendment sought is allowed. Hence the application to amend the plaint and the application to receive additional documents being a consequential prayer granted.

5. In the result, the application Nos.2811 and 2812 of 2021 are allowed. The plaintiff is directed to carry out necessary amendment and file amended plaint copy.

29.10.2021

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A.Nos.2812 & 2811 of 2021
in
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