

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 9TH DAY OF NOVEMBER 2021

THE MASTER

A.No.9593 of 2018

IN

C.S.No.421 of 2005

1. Mr.P.Shanmugam rep.by
Power Agent Mr.T.Shyamprasad
residing at No.18, 12th Cross Street,
Shastri Nagar, Chennai – 600 020.

2. Mr.T.Shyamprasad
at No.7, 8th, Trust Cross Street,
Mandavelipakkam, Chennai – 28.

... Plaintiffs

-Versus.-

1. Mr.Q.Dawson
Son of Mr.G.E.Dawson,
residing at No.5/78,
Kennedy Valley,
Moovarsanpet, Chennai – 91.

2. Mr.S.Deivaneedhi
Son of Mr.Swaminathan,
residing at No.7, G.H.Road,
Chennai – 600 006.

3. Mr.Pachai Muthu
Son of Mr.Deivanayagam,
residing at No.18,
1st Main Road, Jaganathan Nagar,
Arumbakkam, Chennai – 106.

4. Mr.Jeffrey Moore
Son of Mr.Dudley Ralph Moore,
residing at No.137, P.H.Road,
Kilpauk, Chennai-10.

(*) 5. Ms.Deepthi (minor)
Represented by her father and
Natural guardian S.Ramachandra Reddy
S/o. Late S.Subbi Reddy
No.2, N-Block, Turn Bulls Road,
IV Cross Street, Nandanam, Chennai-600 035.
(5th defendant impleaded as per
order dated 02.12.2010 and 10.01.2013
in A.No.5366 of 2010)

(*)6. Plaza Court Flat Owners
Association Represented by
K.G.Ramanathan, Secretary
28, Church Road,
Perungudi, Chennai – 600 096.

(*)(6th defendant impleased as per
order dated 17.10.12 and
07.01.2013 in Appl.No.1863 of 2011)

...Defendants

A.No.9593 of 2018:-

1. Mr.Q.Dawson
Son of Mr.G.E.Dawson,
residing at No.5/78,
Kennedy Valley,
Moovarsanpet, Chennai – 91.

... Applicant/1st Defendant

-Vs.-

1. Mr.P.Shanmugam
Rep.by Power Agent Mr.TShyamprasad
Residing at No.18, 12th Cross Street,
Shastri Nagar, Chennai – 600 020.

2. Mr.T.Shyamprasad
No.7, 8th, Trust Cross Street,
Mandavelipakkam, Chennai – 600 028.

... Respondent 1&2/Plaintiffs 1 & 2

3. Mr.S.Deivaneedhi
Son of Mr.Swaminathan,
residing at No.7, G.H.Road, Chennai – 600 006.

4. Pachai Muthu
Son of Mr.Deivanayagam,
Residing at No.18,
1st Main Road, Jaganathan Nagar,
Arumbakkam, Chennai – 106.

5. Mr.Jefery Moore
Son of Dudly Ralph Moore,
residing at No.137, P.H.Road,
Kilpauk, Chennai-10.

6. Ms.Deepthi (minor)
Represented by her father and
Natural guardian S.Ramachandra Reddy
S/o. Late S.Subbi Reddy
No.2, N-Block, Turn Bulls Road,
IV Cross Street, Nandanam, Chennai-600 035.

(The 5th Defendant impleaded as per order dated
2.12.2010 And 10.01.2013 in App.No.5366 of 2010).

7.Plaza Court Flat Owners
Association Represented by
K.G.Ramanathan, Secretary
28, Church Road,
Perungudi, Chennai – 600 096.

(The 6th Defendant impleaded as per order dated
17.10.2012 and 07.01.2013 in App.No.1863 of 2011.

Application praying that this Hon'ble Court be pleased to pass an
order for suitable direction to amend the 1st defendant's Proof Affidavit by

adding the name of 5th and 6th defendants in the cause title to the Proof Affidavit filed by the 1st defendant.

This Application coming on this day before this court for hearing the court made the following order:

1. This is an application filed to amend the cause title of the evidence given by first defendant by way of proof affidavit. In this case the first defendant was examined as DW1. He let evidence by way of filing proof affidavit. Now the first defendant has come forward with this amendment application stating that the names of 5th and 6th defendants are omitted in the cause title of proof affidavit.

2. The learned counsel for the applicant submitted that since names of 5th and 6th defendants are omitted, this application is filed to include the same and suitable order may passed.

3. The learned counsel for the respondent submitted that there is no provision to amend proof affidavit. It is only an evidence. Once the evidence let cannot be modified. So the application has to be dismissed.

4. As stated by respondent counsel there is no provision to amend the evidence. The evidence let can be struck off or further evidence can be let. But once the evidence is let and recorded, it cannot be amended or modified.

5. But this application is only to amend cause title. Cause title is not at all evidence. Cause title is written only for the convenient. It does not have any evidentiary value. When the names of 5th and 6th defendants are omitted in cause title, no prejudice will happen to any one. Even if the application is allowed or dismissed, nothing will be benefited or lost. The application itself is needless one. If the application is allowed and ordered to carry out the amendment, it will take further time which is nothing but waste of precious time of this Court.

6. In fine, this Court is not inclined to allow this application. Therefore, this application is dismissed. No costs.

Sd./-MASTER

09.11.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

JJ 15/11/2021