



A.No.1310 of 2022 in C.S.No.642 of 2019

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in
C.S.No.642 of 2019
(Comm.Suits)

SENTHILKUMAR RAMAMOORTHY.J.,

This application is filed seeking amendment of the plaint in the manner described in the schedule to the Judge's summons.

2. The applicant/plaintiff submits that the suit was filed for specific performance and, in the alternative, for refund of amounts paid by the plaintiff to the defendant.

3. The applicant states that it was under the bona-fide impression that the sum of Rs.7 crore which was paid towards partial discharge of amounts due and payable under the relevant agreement of sale was paid to the first defendant. Subsequently, the applicant has ascertained that the said sum was received by Mr.K.R.V.Ramani, the former Managing Director of the first defendant and not by the first defendant. The present application and all the amendments requested for in the application are consequential thereto. The applicant states that the said amendments do



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not alter the cause of action or impact the period of limitation as regards the suit.

4. The first defendant opposes this application on the ground that the applicant failed to fulfil its obligations under the relevant agreement of sale. Therefore, the applicant has not discharged the obligation of establishing readiness and willingness.

5. The present application for amendment of the plaint has been filed at the pre-trial stage. The applicant seeks amendment upon realising that its reliance on the payment of a sum of Rs.7 crore was misplaced because the said sum was paid to Mr.K.R.V.Ramani, an individual, and not to the first defendant. All the amendments prayed for are consequential to this discovery. As correctly contended by the applicant/plaintiff, these amendments do not change the cause of action in any manner. Therefore, the present application is liable to be allowed.

6. Consequently, A.No.1310 of 2022 is allowed by permitting the applicant/plaintiff to amend the plaint in the manner described in the schedule to the Judge's summons. Such amendment shall be carried out



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by the plaintiff on or before 13.06.2022. The amended copy of the plaint shall be served on the defendants within a week thereafter. List the suit and pending applications on 20.06.2022.

28.04.2022

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