



WEB COPY

A.No.402 of 2022
in C.S.No.78 of 2020

KRISHNAN RAMASAMY, J.,

This Application is filed by the applicant/plaintiff seeking permission of this Court to amend some of the pleadings and prayer in the Suit.

2.The present Suit is filed for damages and the present application is filed seeking to add prayer for declaration and permanent injunction with the pleadings already available. Further, the consequential paragraphs and other pleadings at paragraph No.39, which do not appear to be new but already available in the pleadings of the said suit. However, the applicant seeks new relief as sought for in the present application. As such, since the proposed amendment as mentioned in paragraph No.39 is, in fact not a new pleading in the suit.

3.For better appreciation, Order 6 Rule 17 is extracted hereunder:

“17.Amendment of Pleadings:- The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as



may be necessary for the purpose of determining the real questions in controversy between the parties:

Provide that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.”

4.A perusal of Order 6 Rule 17 CPC would show that the amendment of pleadings can be made by the parties at any stage for the purpose of determining the real questions. In the present case, not even a written statement has been filed and as such the trial of the suit has not yet commenced.

5.However, the learned counsel appearing for the respondent/defendant raised an objection stating that by virtue of seeking amendment, the applicant/plaintiff is trying to improve the plaint and it would alter the character of the suit.



6.As already stated above the applicant/plaintiff is not introducing any new pleadings, and the amendment sought for in this application would not alter or change the character of the suit and by this, no prejudice would be caused to the respondent/defendant, this Court is of the view that this application can be allowed. However, the respondent/defendant is at liberty to contest the same at the time of trial. Hence, these applications are allowed as prayed for.

7.The learned counsel appearing for the applicant/plaintiff is directed to carryout the amendment on or before 12.08.2022 and directed to serve the amended plaint to the respondent/defendant on or before 22.08.2022 and file a written statement on or before 29.08.2022.

Post the matter on 29.08.2022.

01.08.2022

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