



WEB COPY



A.No.5689 of 2022

A.No.5689 of 2022

in

C.S.No.61 of 2012

(Comm. Suits)

C.SARAVANAN, J.

Originally, all the defendants were set *ex-parte* on 12.01.2017. Thereafter, the first defendant filed A.No.2250 of 2017 to set aside the *ex-parte* order which was allowed on 03.10.2017, pursuant to which, written statement filed by the first defendant was taken on file.

2. By an order dated 12.01.2018, the following four issues were framed for consideration in this suit:-

- i. Whether the Finance Agreement dated 11.05.2009 and the Deed of Guarantee dated 16.12.2010 are true and valid?
- ii. Whether the plaintiff had lent a sum of Rs.2,20,23,000/- pursuant to the agreements to the defendants?
- iii. Whether the defendant is liable to file a suit claim?
- iv. To what other reliefs the parties are entitled to?



A.No.5689 of 2022

WEB COPY

3. Subsequently, the third defendant has filed A.No.468 of 2020 to set aside the *ex-parte* order dated 12.01.2017. The said A.No.468 of 2020 was dismissed vide order dated 24.02.2020. The first defendant originally filed a Written Statement on 20.01.2017. The third defendant filed Written Statement on 15.11.2019. Thereafter, additional Written Statement was filed by first defendant on 25.08.2021.

4. The trial has commenced. In the course of trial, A.Nos.3134 & 3135 of 2021 were filed seeking permission to file documents and an additional written statement. Both applications were allowed on 22.09.2021 with liberty to the plaintiff to file a replication with reference to the allegations made in the additional written statement.

5. A.Nos.4882 & 4883 of 2021 were filed by the plaintiff to condone the delay of 15 days in filing the reply statement and to receive the documents set out in the Judge's Summons as additional documents. Both applications were allowed on 09.02.2022.



A.No.5689 of 2022

6. A.No.462 of 2022 was filed by the defendant for framing additional issued apart from the issued framed by this Court on 12.01.2018. The following additional issues were framed by an order dated 09.02.2022:-

- i) Whether the suit filed by the plaintiff's company through its Director Mr.Arun Sharma is maintainable?
- ii) Whether the pleadings and the documents filed by Mr.Arun Sharma can be relied upon?
- iii) Whether the Board Resolutions dated 01.11.2021 and 19.01.2019 are true and valid?

7. The present application has been filed by the first defendant to amend the above third additional issue. After hearing both parties, I do not find any merits in the objection raised by the learned counsel for the plaintiff as there is only an addition of a Board Resolution dated 28.10.2011 apart from the two Board Resolutions given therein. Therefore, the third additional issued is amended as prayed for. For clarity, both the third issue framed on 09.02.2022 and amended by this order read as under:-



WEB COPY



A.No.5689 of 2022

<i>Framed on 09.02.2022</i>	<i>Amended by this Order</i>
(iii) Whether the Board Resolutions dated 01.11.2021 and 19.01.2019 are true and valid?	(iii) Whether the Board Resolutions dated 28.10.2011, 01.11.2011 and 19.01.2019 are true and valid?

8. This application is accordingly allowed. The plaintiff is directed to file their written statement.

13.12.2022

kmm / jen



WEB COPY



A.No.5689 of 2022

C.SARAVANAN, J.

jen

A.No.5689 of 2022 in
C.S.No.61 of 2012
(Comm. Suits)

13.12.2022

(1/2)