



A.No.602 of 2023
in C.S.No.397 of 2013

N.SESHASAYEE.J.

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In a suit for specific performance, the plaintiff has taken out the present application for amending the plaint, for introducing an alternate prayer of refund of earnest money.

2.The 2nd respondent is an official assignee of the 1st respondent and he has filed his counter and resisted this application essentially on the ground that it is filed belatedly.

3.Learned counsel for the 1st defendant submits that he has not received any earnest money from the plaintiff, but then that is essentially a matter for trial.

4.Heard both sides.

5.On weighing the rival submissions, this Court finds that the alternate relief sought is in essence a smaller relief than the one the plaintiff has prayed in the suit. It is not likely to alter the character of the suit. Hence this application is allowed. The plaintiff is required to carry out amendment today.

22.02.2023
(1/2)

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