





or for latches, when the amendment sought is going to help the Court to decide the real controversy between the parties. The Code of Civil Procedure, is a time tested code for a nearly century and the amendments to the Code which were introduced, in respect of amendment of pleadings, (Order VI Rule 7 of C.P.C) and introduction of new documents, (Order VII Rule 14) by way of C.P.C amendment in 2002, itself crossed two decades and therefore, there cannot be any quarrel on the preposition of law that any litigant, who approach the Court should come to the Court with clean hands and vigilantly place all the materials available on his hand, on the date of filing the plaint. A plaintiff can be allowed to file additional documents or amend the plaint, only if there is a genuine cause for the said amendment. Proper explanation to accept the additional documents at later point of time which was available with the plaintiff at the time of filing the suit.

14. The Learned Counsel for the plaintiff would argue that as long as the relief sought in the suit is not altered, merely on the ground of technicality petition to amend should not be denied. In this case, it is not mere a technicality but a clear substitution of the original plea. As admitted by the plaintiff that, he had only a one page story when he got it registered with America Writers Guild



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later developed the full script (but not placed before the Court along the plaint). Similarly, the plaint is also filed with one page story before this Court and after the release of the movie and lapse of three months, attempts to improve it in to a 'novel' by way of amendment."

2. By oversight it appears in the cause title and in the order dated 16.08.2021 and in the final paragraph there was no reference made to A.No.653 of 2020 for introducing additional document as evidence on behalf of the plaintiff.

3. Today, when the case was taken up for hearing, the learned counsel for the applicant/plaintiff submits that A.No.653 of 2020 has to be argued at length, once again. It was opposed by the defendants stating that the matter has been considered while passing order in A.No.654 of 2020 on 16.08.2021 in paragraphs 6, 10, 13 and 14.

4. I have considered the arguments advanced by the learned counsel for the applicant/plaintiff and the learned counsel for the respondents/defendants.



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5. Once an application to amend the plaint has been rejected, the question of introducing additional evidence cannot be countenanced as no amount of oral evidence contrary to pleadings cannot be allowed, which is a well settled principal of law.

6. Therefore, the application in A.No.653 of 2020 has to be dismissed, as a consequence to dismissal of A.No.654 of 2020 dated 16.08.2021. The rights of the plaintiff to mark the documents which was sought to be introduced as additional evidence, however stands preserved for being marked at the time of cross examination of the defendants if it is permissible under law.

7. The parties are directed to file their respective statement of admission of and denial and documents in the main suit.

30.01.2023

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C.SARAVANAN, J.,
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A.No.653 of 2020
in C.S.No.620 of 2019

30.01.2023