



**A.No.2802 of 2023 in C.S No.422 of 2015**

WEB COPY **A.A.NAKKIRAN, J**

This application has been filed by the applicants/plaintiffs to permit them to amend the plaint as follows: (i) in page No.24 to 26 of the plaint, remove the schedule A and schedule B and insert in that place the following description of properties: all that piece and parcel of lands and buildings situated now at Chengalpattu District, now Pallavaram Taluk, Zamin Pallavaram Village, comprised in the schedule in the Judges Summons.

2. Heard both sides.

3. The learned counsel for the applicants submitted that during the pendency of the suit, the 1st plaintiff had conducted an internal property audit, wherefrom identified the proper survey numbers and its sub division numbers of its properties and thereafter, it is found that at the time of execution of the lease deeds dated 22.12.1998 (doc.Nos.2854 of 1998 and doc.No.2855 of 1998), some of the description of the properties in the



schedule had been typed with error regarding sub division numbers and regarding extent in some cases. But, there is a consensus-ad-idem between the 1st plaintiff viz., M/s.Chrome Leather Company Limited and the 2nd plaintiff regarding the identity of the properties. The same mistake continues in the lease deed dated 30.12.2009 entered into between the 2nd plaintiff and the 3rd plaintiff in respect of its leasehold properties. He further submitted that after identifying the errors, the 1st plaintiff has executed and presented the rectification deeds dated 22.10.2020 on 29.10.2020 and registered as doc.nos.12006 of 2021 and 12022 of 2021 on 22.12.2021, whereby rectifying the mistakes crept in the lease deeds dated 22.12.1998 under doc.nos.2854 & 2855 of 1998. Likewise, the 2nd plaintiff has also executed and presented the rectification deed dated 21.10.2020 in favour of the 3rd plaintiff on 29.10.2020 and registered as doc.no.12005 of 2021 on 22.12.2021, whereby rectifying the mistakes crept in the lease deed dated 30.12.2009 under doc.no.74 of 2010. In view of the subsequent rectification in the description of properties, the description of properties to the plaint will have to be amended in accordance with the rectification deeds dated 20.10.2020 and 21.10.2020. Hence, it is just and necessary to



amend the plaint insofar as the description of properties are concerned and it will not in any manner alter the nature of suit, cause of action or the relief sought in the suit.

4. The learned counsel for the respondents submitted that the applicants/plaintiffs have rectified the mistake in their lease deeds and they now want to amend the schedule of property mentioned in the plaint, merely because they have made a self-serving correction in their lease deeds without taking steps to correct the parent documents in this case. By correcting the schedule of property to the plaint, the total extent of lands is now being drastically reduced from 67.69 acres to an extent of 43.53 acres and there is absolutely no whisper about the fate of about 20 acres of lands which is claimed by the respondent challenging the title of the 1st plaintiff and hence, such a correction is strongly objected to by the respondent. He further submitted that the proposed amendment sought for by the applicants is not formal in nature and it will severely affect the right, title and interest of the respondent over the plaint schedule mentioned property and further, the case of the respondent also will be severely prejudiced and hence, he strongly opposes the proposed amendment sought for by the applicants.



5. Though the respondent/defendant has vehemently opposed to allow this application, this Court is of the considered opinion that the respondent/defendant is at liberty to raise his objection during the course of cross examination, by cross examining the witnesses. Therefore, considering the facts and circumstances of the case and and in the interest of justice, this Court is inclined to permit the applicants/plaintiffs to amend the plaint as prayed for in the application.

6. Accordingly, this application is allowed.

7. For carrying out necessary amendment, post the matter on 13.09.2023.

01.09.2023

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