



A.Nos.3145 & 3146 of 2023
in T.O.S.Nos.16/1989

A.Nos.3145 & 3146 of 2023
in T.O.S. No.16 of 1989

R.N.MANJULA, J.

These applications have been filed to permit the applicant to carry out necessary amendments in the Original Petition filed in the above suit and in the affidavit of Assets filed in the above suit.

2. The applicant in both the applications is the plaintiff. Earlier the applicant has filed an Original Application in O.A.No.4681 of 2008 to amend the share of his father T.V.Rajagopalan in Serial No.6 of Annexure 'A' of the Affidavit of Assets from Rs.2,14,500/- to Rs.35,00,000/-. The said amendment was already allowed on 01.06.2023. In view of the same the value of the share in Serial No.6 of Annexure 'A' is duly amended. But the consequential increase in the net value of the asset has not been amended suitably taking into consideration of the above amendment. Hence the amendments now sought are just consequential to the earlier amendment and it has to be allowed.

3. However the learned counsel for the respondent / defendant submitted that the issue which the applicant / plaintiff has raised by way of enhancement and the present amendment has already been decided in the



A.Nos.3145 & 3146 of 2023
in T.O.S.Nos.16/1989

earlier proceedings in C.R.P. No.4287 of 2008 and S.L.P. No.35694 of 2011. It is submitted by the learned counsel for the respondent / defendant that the plaintiff is re-agitating the same issue which has already been settled in the earlier litigation and hence the amendment cannot be allowed.

4. The fact remains that the earlier amendment to enhance the share value has already been made. In such a context the consequential impact upon the value of the estate ought to have been amended. If the issue that might arise in view of the above enhancement has already been settled through the earlier orders of this Court, it is always open to the respondent / defendant to raise those contentions in his additional written statement and the same can be decided during the trial. Hence I feel these applications should be allowed.

5. In view of the above observations, these applications are allowed.

22.06.2023

bkn



WEB COPY



A.Nos.3145 & 3146 of 2023
in T.O.S.Nos.16/1989

R.N.MANJULA, J.

bkn

A.Nos.3145 & 3146 of 2023
in T.O.S. No.16 of 1989

22.06.2023