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A.NOS.6140 AND 6141 OF 2023
IN C.S.NO.188 OF 2021

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C.S.NO.188 OF 2021

N.SATHISH KUMAR, J.

These applications have been filed to amend the schedule of the properties in the plaint.

2.Heard the submissions made on either side and perused the materials available on record.

3.It is the contention of the learned counsel for the applicant / plaintiff that amendment sought now is to set right the typographical error in the plaint and the same will not change or alter the character of the Suit and therefore, he seeks to amend the plaint.

4.Counter affidavit has been filed by the respondent / defendant.

5.It is the contention of the learned counsel for the respondent/defendant that P.W.1 has been examined and cross-examined and specific admission of P.W.1 is to the effect that the subject property in respect of which amendment sought is a Public Street and therefore, the amendment cannot be introduced taking away the admission of the witnesses. Hence, he vehemently opposed this application.



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6.Considering the submissions made on either side and also the fact that evidence has been let in and trial also commenced, amendment sought as such will not be allowed particularly when the P.W.1 admitted in the evidence with regard to the nature of the property. At this stage, if the amendment is allowed, the same will amount to change the very character of the Suit itself. Therefore, I am of the view that the amendment sought now cannot be entertained and accordingly, both these applications are dismissed.

01.12.2023

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