



WEB COPY



A.No.521 of 2024
in
C.S.(Comm Div) No.54 of 2023

P.VELMURUGAN, J.,

The present application has been filed to amend the plaint in C.S.(Comm Div) No.54 of 2023.

2. Learned counsel for the applicant/plaintiff has submitted that the plaintiff had filed another suit in C.S.No.55 of 2023 and he has got declarative decree also. Further the learned counsel for the plaintiff has placed reliance on the paras 18, 19 and 20 of the said judgment and he wants to incorporate the same.

3. Learned counsel for the respondent/defendant submitted that the suit in C.S.No.55 of 2023 is only an exparte decree. Further the subsequent event need not be pleaded. Hence, there is no necessity to amend the plaint and the application may be dismissed.

4. Admittedly, the plaintiff has filed yet another suit in C.S.No.55 of 2023 to declare the “Apollo” mark as well known Trade Mark and other reliefs. Now, he has filed the present application to amend the plaint in



C.S.No.54 of 2023. The plaintiff has seek the amendment only based on the judgment and decree passed in C.S.No.55 of 2023 by this Court dated 20.11.2023. It is a well settled proposition of law that subsequent event need not be pleaded. Hence the application seeking to amend the plaint is not maintainable and the same is dismissed.

5. Both counsel are directed to file the case management schedule and also proof affidavit of all the witnesses on or before 16.04.2024.

6. List the matter on 17.04.2024.

08.04.2024

mfa