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A.No.2266 of 2024

in

C.S.No.95 of 2022

<i>Orders reserved</i>	<i>Orders pronounced</i>
08.08.2024	16.08.2024

RMT.TEEKAA RAMAN,J.,

This petition has been filed under Order XIV Rule 8 of the Original Side Rules read with Order 6, Rule 17 of C.P.C.

2. Petition for amendment of prayer and pleadings at Paragraph Nos.16 & 27 of the plaint.

3. The petitioner is the plaintiff filed in C.S.No.95 of 2022 seeking relief of Rs.1 Crore as compensation for the damages suffered by the plaintiff and injunction restraining the defendants to allow the plaintiff to take back the suits and valuables on which, the defendants are having unlawfully for payment of costs.

4. Summons were served on the defendants and they also filed written statement. Issues are framed. The matter is posted before the Chief Master Court for recording of evidence. P.W.1 entered the witness box and filed proof affidavit and no documents were marked.

5. At this juncture, the present application is filed for amendment of the



prayer to include that seeking the declaration that alleged letter of termination of employment dated 09.03.2021 is invalid and null and void in which prayer portion and to make necessary pleadings at Para No.16 and 27 and to re-number the paragraphs.

6. The learned counsel appearing for the petitioner and the learned counsel appearing for the respondents are heard.

7. Admittedly no documents have been marked, though P.W.1 entered the witness box. The present prayer is challenging the letter of termination of employment dated 09.03.2021 and also adding to the previous prayer seeking for declaratory relief and also declaration claiming compensation of Rs.1 crore has already there and Court fee has been paid therefor.

8. The sum and substance of the plaintiffs case is that while the plaintiff was working as a Vice-President in the defendants Company. He was terminated and according to the plaintiff, the termination is illegal and claimed a compensation of Rs.1 crore.

9. The present application is filed within the period of limitation. Now the case is posted for marking the documents by plaintiff's case. It appears that prayer for declaration of the alleged letter of termination of employment is null and void is not included.



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10. It remains to be stated that the core-issue in the above suit as to the alleged wrongful termination of the employment in the cadre of Vice-President cadre.

11. According to the plaintiff, the termination is wrongful. According to the defendant, the termination is just and fair and hence, I find that in the interest of justice, the present amendment can be allowed. Since there is no change of existing cause of action and no new case is not introduced nor new cause of action the pleadings have nothing but explanatory in nature for the purpose of arriving at quantum of compensation for which the suit was laid and related to prayer (a) in the plaint. Procedure defects and irregularities appears to be curable shall not stand in the way to defeat the substantial right of the party.

12. In the interest of justice, **this petition is allowed** on payment of costs of a sum of Rs.5000/- to the defendants' counsel within a period of one week from the date of receipt of a copy of this order.

16.08.2024

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RMT.TEEKAA RAMAN,J.,



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