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CRP.No.1456 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

CRP.No.1456 of 2024
and CMP.Nos.7811 of 2024

K.Senthilkumar

... Petitioner / Defendant / Respondent

Vs

P.Velusamy

... Respondent / Petitioner / Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order passed by the Principal Subordinate Judge, Tiruppur in I.A.No.3 of 2023 in O.S.No.79 of 2022, dated 20.12.2023 by allowing this revision petition.

For Petitioner : Mr.N.Palanikumar

ORDER

The defendant in a suit for recovery of money, has preferred this revision. The application in I.A.No.3 of 2023 in O.S.No.79 of 2022 has been



filed by the plaintiff seeking leave of the Court to amend the plaint.

According to the plaintiff, a typographical error had crept in the plaint.

Instead of stating the date of execution of promissory note as 06.06.2019, it was stated as 02.06.2019. This typographical error was noticed by him only at the time when the proof affidavit was filed. Hence the application for amendment.

2. The learned trial Judge taking note of the fact that it is a typographical error, had permitted the plaintiff/respondent herein to make necessary amendments in the plaint, on payment of Rs.2,000/- as costs.

3. The power under Order VI Rule 17 is always available for the purpose of correcting any typographical error. The change of date from 02.06.2019 to 06.06.2019, as reflected in the promissory note, is neither going to change the cause of action nor it is going to change the frame of the suit, and in any event, it is not barred by limitation. Since none of the requirements of Order VI Rule 17 have been violated, I should not interfere with the order passed by the learned Principal Subordinate Judge. On such amendment being made by the plaintiff, the defendant is also entitled to file



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his written statement with all such defences available to him.

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4. With the above observation, this civil revision petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

10.04.2024

Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking orders

To:

1.The Principal Subordinate Judge
Tiruppur.

2.The Section Officer
VR Section, High Court, Madras.



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V.LAKSHMINARAYANAN,J.

ds

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