



A.No.2387 of 2024 in C.S.No.128 of 2020

A.No.2387 of 2024 in  
C.S.No.1278 of 2020

**P.VELMURUGAN. J.**

The plaintiff has filed the present application under Order VI Rule 17 and 18 of Civil Procedure Code read with Order XIV and Rule 8 of O.S. Rules, for amending the plaint as follows;

i) Permit the applicant to substitute the word “1<sup>st</sup> Defendant” in the place of “Defendant” in para 3 to para 16 and para 18 of the plaint in C.S.No.128 of 2020;

ii) Permit the applicant to add the following in para 16 of the plaint;

“Since, the 2<sup>nd</sup> Defendant is a partnership Firm and the 1<sup>st</sup>, 3<sup>rd</sup> to 6<sup>th</sup> Defendants are its Partners, all the Defendants are jointly and severally liable to repay the amount due to the plaintiff along with interest and costs”.

iii) Permit the applicant to amend the prayer in the plaint in the following manner;

“The plaintiff therefore, prays for a judgment and decree against the Defendants;

a) Directing the 1<sup>st</sup> to 6<sup>th</sup> Defendants to jointly and severally pay the plaintiff a sum of Rs.1,26,87,671/- (One Crore Twenty Six Lakhs Eighty Seven Thousand



A.No.2387 of 2024 in C.S.No.128 of 2020

Six Hundred and Seventy One) together with interest @ 9% per annum for Rs.1,00,00,000/- (One Crore Only) from the date of the plaint till full payment”.

**Instead of;**

“The plaintiff therefore prays for a judgment and decree against the Defendants;

a) Directing the Defendant to pay the plaintiff a sum of Rs.1,26,87,671/- (One Crore Twenty Six Lakhs Eighty Seven Thousand Six Hundred and Seventy One only) together with interest @ 9% per annum for Rs.1,00,00,000/- (One Crore Only) from the date of the plaint till full payment.”

2. When the matter came up before this Court on 29.04.2024, this Court adjourned the matter to 11.06.2024 for filing counter and disposal.

3. Today (11.06.2024), when the matter is taken up for hearing, the respondents have not filed counter despite given sufficient opportunity. Therefore, this Court heard and perused the materials available on record.

4. On a perusal of the plaint averments, the reasons stated in the accompanying affidavit are satisfied and if the plaint is amended as prayed for, no prejudice would be caused to the respondents/defendants. However,



A.No.2387 of 2024 in C.S.No.128 of 2020

the respondents/defendants can take all their defense during trial.

WEB COPY

5. With the above observations, this application is allowed.

6. Registry is directed to carry out necessary amendment and the plaintiff is directed to file amended copy of the plaint on or before 28.06.2024.

7. List the suit on 01.07.2024.

**11.06.2024**  
**(2/2)**

ksa-2



WEB COPY



A.No.2387 of 2024 in C.S.No.128 of 2020

**P.VELMURUGAN. J.**

ksa-2

A.No.2387 of 2024 in  
C.S.No.128 of 2020

11.06.2024  
(2/2)