



A.No.2386 of 2024 in C.S.No.127 of 2020

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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 “1st Defendant” in the place of “Defendant” in para 3 to para 20 and para 22 of the plaint in C.S.No.127 of 2020;
- ii) Permit the applicant to add the following in para 20 of the plaint;
“Since, the 2nd Defendant is a partnership Firm and the 1st, 3rd to 6th 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 1st to 6th Defendants to jointly and severally pay the plaintiff a sum of Rs.5,07,50,685/- (Five Crores Seven Lakhs Fifty Thousand Six Hundred and Eighty Five Only) together with interest @ 9% per annum for Rs.4,00,00,000/- (Four Crores Only) from the date of the plaint till full payment”.

Instead of;



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

a) Directing the Defendants to pay the plaintiff a sum of Rs.5,07,50,685/- (Five Crores Seven Lakhs Fifty Thousand Six Hundred and Eighty Five Only) together with interest @ 9% per annum for Rs.4,00,00,000/- (Four Crores Only) from the date of the plaint till full payment.”

Pass such further or other orders as this Hon’ble court may deem fit and proper and render justice?

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

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

6. Registry is directed to carry out necessary amendment and the plaintiff



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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
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