



WEB COPY



A.No.4421 of 2024
in C.S.(Comm.Div.) No.289 of 2023

SENTHILKUMAR RAMAMOORTHY,J

By this application, the plaintiff seeks to amend the long and short cause title and the statement of address with regard to the defendant. In the affidavit in support of this application, the applicant states that the defendant pointed out in the counter to O.A.Nos.1008 to 1010 of 2023 that the defendant is a proprietary concern and that Mr.Kailashkumar Punmaji Mali is the sole Proprietor thereof. Hence, it is stated that this application was filed.

2. Learned counsel for the defendant opposes this application on the ground that the petitioner was aware that the first respondent was a sole proprietorship and in spite of such knowledge, filed the suit with a wrong description of the defendant. He also submits that an interim stay was obtained in these proceedings and that such order is causing great prejudice to the defendant.



WEB COPY

SENTHILKUMAR RAMAMOORTHY, J

rna

3. Since this application was triggered by the assertion in the counter that the description of the defendant was erroneous, this application is liable to be allowed, albeit without prejudice to the defendant's right to raise all contentions, including for the purpose of seeking to vacate the order of interim stay.

4. For reasons aforesaid, this application is allowed as prayed for and the plaintiff is permitted to carry out the amendments in the plaint on or before 15.10.2024. A copy of the amended plaint shall be served on the defendant within a *week* from then.

5. List C.S.(Comm.Div.) No.289 of 2023 on 22.10.2024.

26.09.2024

(3/4)

rna

A.No.4421 of 2024
in C.S.(Comm.Div.) No.289 of 2023

2/2