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A.No. 4535 of 2024
in
C.S.(Comm.Div.)No.58 of 2022

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K.KUMARESH BABU, J

The present application has been filed seeking to amend the plaint, in effect to pass a judgment and decree to a lesser value that had been originally prayed for in the plaint.

2. From the Court records, it could be seen that this Court by order dated 15.06.2023 had in fact directed that the names of the learned counsel for the defendants should be deleted and to print the names of the defendants in the cause list and thereafter, the matter had also been relegated to the learned Master concerned for recording of evidence and evidence had also been recorded on the side of the plaintiff. Further, an Advocate Commissioner had been appointed to take possession of the machineries in Application No.6601 of 2023 and thereafter, sale of the machineries, which were taken possession of, was also ordered in the very same application by this Court on 28.03.2024.



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3. It is the submission of the applicant/plaintiff that pursuant to the amount that had been recovered from the said sale proceeds, the amount that is due and liable to be paid by the defendants had also been amended by giving credit to the amount that has been received by sale of the said machineries. Therefore, he would seek permission of this Court to amend the plaint by restricting the claim to only a sum of Rs.1,87,81,578/- (Rupees One Crore Eighty Seven Lakhs Eighty One Thousand Five Hundred and Seventy Eight only) which has been mentioned in paragraphs Nos.24, 26 and 28 of the plaint.

4. Considering the fact that the applicant/plaintiff is wanting to limit his claim as against the defendants, I am of the view that no prejudice would be caused if notice to the defendants is dispensed with in the present application. Since the plaintiff himself has restricted his claim limiting it to the aforesaid amount, I see no impediment in ordering the same as prayed for. In fine, this application is ordered.



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5. The applicant/plaintiff is directed to carry out necessary amendment within a period of three weeks from today.

14.10.2024

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