



WEB COPY



A NO. 1864 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 1864 of 2025

IN

CS NO. 83 OF 2024

Meenakshi Ammal Trust
No.61, (old No.691, Ramasamy Salai, K.K.Nagar,
Chennai 78 Represented By Its Trustees, 1.
Dr.G.Ra.Gokul 2. Mr.R.Rakesh, Dr.K.P.Gautam
Srinivas, (amended As Per Order Dt 06/12/2024 In
A.No.6286 And 6287 Of 2024 Order Dt 6/12/2024

Applicant(s)

Vs

CeeDeeYes Health Care Service (P) Ltd.AND 4
OTHERS
Represented by its Managing Director
Mr.C.Devadasa Sundaram. S/o. Chidambara
Nadar, No.383, Velachery Tambaram Main Road,
Velachery, Chennai - 600 042. and 4 Others

Respondent(s)

For Applicant(s):

Mr.G.Masilamani (Senior counsel)
For M/s.M.Vishnu Venkatesh

For Respondent(s):

Mr.Thomas T.Jacob (For R1)

Mr.Ramalingam & Associates (For R2 & R4)

Mr.R.Gopinath
For M/s.MC Gan Law Firm (For R5)



ORDER

Mr.G.Masilamani, learned Senior Counsel appearing for the applicant would submit that the present application had been taken out to carry out necessary amendments in the original plaint. There has been an error in arithmetical calculation, which had come to the knowledge of the plaintiff. He would submit that no prejudice would be caused to the defendants as they would always be entitled to file an additional written statement to the amended plaint. Therefore, he seeks leave of this Court to carry out the necessary amendments.

2. Countering his arguments, Mr.Thomas T.Jacob, learned counsel for the first respondent/defendant would vehemently contend that the said application itself is not maintainable and the applicant had earlier filed similar applications and has not pressed the said applications. He would further claim that the plaintiff has not been restrained from entering the property and the plaintiff has various ingress and egress to the property. Therefore, there is no damages that had been caused to the plaintiff nor was he prevented from getting the rental income from the multi-storey building in the suit property. He would also deny the computations and modifications that sought to be made by way of fresh amendment and that it is a matter of the plaintiff's own volition. It is only the plaintiff, who had failed to exercise due diligence and therefore, the respondents/defendants cannot be made to be prejudiced. Therefore, he seeks dismissal of the application.

3. I have considered the submissions made by the learned counsel appearing on either side and have perused the materials placed on record.



WEB COPY

4. It is the claim of the applicant/plaintiff that there has been an arithmetical error in calculations for the prayers in the suit.

5. There is no new prayer that is sought to be introduced, but the earlier prayers are only sought to be modified with regard to the claim of monetary damages that had been suffered by the applicant/plaintiff.

6. This Court is of the view that if such an amendment is permitted, no prejudice would be caused to the respondents/defendants as they would have a right to file a suitable written statement on the amended plaint. All the other contentions raised by the learned counsel for the respondents/defendants, can be raised in the written statement and can be subject matter of the trial.

7. In such view of the matter, the application in A.No.1864 of 2025 in C.S.No.83 of 2024 is ordered as prayed for. Necessary amendments shall be carried out on or before 25.04.2025. The respondents/defendants are also at liberty to file additional written statements, if they choose to. However, there shall be no order as to costs.

8. List the matter after two weeks.

09-04-2025
(2/2)

kak



To

1. CeeDeeYes Health Care Service (P) Ltd.AND 4

OTHERS

Represented by its Managing Director Mr.C.Devadasa
Sundaram. S/o. Chidambara Nadar, No.383, Velachery
Tambaram Main Road, Velachery, Chennai - 600 042.

2. M/s. Pegasus Assets Reconstructions Private Ltd

Represented by Managing Director, Registered office at No.55-56, 5th Floor,
Free Press House, Nariman Point Mumbai - 400 021.

3. Indusind Bank Ltd

at No.1, One Indiabulls centre, 841, SB Marg, Elphinstone Road, Mumbai -
400 013, Having its Branch office at No.34, Old No. 115 and 116,
G.N.Chetty Road, T.Nagar, Chennai - 600 017.

4. The Authorised Officer

M/s. Pegasus Assets Reconstructions Private Ltd, No.3F, 3rd floor, Kasthuri
Apartments, JP Avenue, 6th Street, Dr.Radhakrishnan Road, Mylapore,
Chennai - 600 004.

5. Regal Palm Garden Apartment Owners Association

Represented by its secretary Mr.Srikanth, No.383, Velachery Tambaram
Road, Velachery Ch-42(th Defendant impleaded as per order dt.14.11.2024
in A.No.5511/2024