



A. No. 5364 of 2025 in T.O.S. No. 67 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. No. 5364 of 2025 in T.O.S. No. 67 of 2024

1.S.Soundari Suryamurthy
2.Neela Suryamurthy

...Applicants

Vs.

Dr.S.Kalamani

... Respondent

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order VI Rule 17 of Code of Civil Procedure, praying to permit the applicants to amend the name of the defendant as 'Dr.S.M.Kalamani' instead of 'Dr.S.Kalamani' as such amendment may be carried out in the cause title and in para 2, 6, 7 of the suit and in the Annexure A and in the affidavit of assets and in the affidavit of the attesting witness Mr.R.Subramani.

For applicants : M/s.S.A.Rajan, H.Visveswaran

For Respondent : Mr.N.Ponraj



A. No. 5364 of 2025 in T.O.S. No. 67 of 2024

WEB COPY

ORDER

This application has been filed seeking permission to amend the name of the defendant as 'Dr.S.M.Kalamani' instead of Dr.S.Kalamani' as such amendment may be carried out in the cause-title and in para 2, 6, 7 of the suit and in the Annexure A and in the affidavit of assets and in the affidavit of Mr.R.Subramani.

2. Despite the respondent /defendant has filed counter, the comprehensive reading of the counter would only convey that the name of the defendant has been wrongly described and right description of his name 'Dr.S.M.Kalamani' only.

3. It seems that the defendant has raised the contention in the written-statement that in the Will also, the defendant name has been wrongly described and that has to be considered as suspicious circumstances surrounding the Will.



A. No. 5364 of 2025 in T.O.S. No. 67 of 2024

WEB COPY

4. The applicant has filed this application to amend the cause title and other parts of the pleadings, where the name of the defendant has to be appropriately amended in order to show the defendant's name with correct description.

5. By allowing this application, this will not cause any change in the description made in the Will. So, it is always open to the defendant to raise his contention as regards the suspicious circumstances on the basis of the wrong description of the name.

6. Having known that the defendant's name has been wrongly described in the pleadings, the applicant has got no other go except to come with an appropriate amendment application to correct the same. But such corrections can be carried out only in the plaint cause title, pleadings of the plaint, and Annexure A of the plaint and it cannot be carried out in the Affidavit of Assets and Affidavit of the attesting witness of Mr.R.Subramani. However, when the said attesting witness comes to the box, the plaintiff can put questions as to the error in describing the name



A. No. 5364 of 2025 in T.O.S. No. 67 of 2024

of the defendant and make it as an evidence instead of seeking the relief to amend the affidavits.

7. With these observations, **this application is allowed.** No costs.

Maya

05.11.2025

1/2



WEB COPY



A. No. 5364 of 2025 in T.O.S. No. 67 of 2024

Dr. R.N.MANJULA, J.

Maya

A. No. 5364 of 2025 in T.O.S. No. 67 of 2024

Dated : 05.11.2025