



WEB COPY



A.No.1211 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 1211 of 2026

IN

CS NO. 27 OF 2024

1. K.Palani And Another
S/o Late Mr.S.S.Krishnamoorthy,
No.4/3,Agarwal Nagar, Dr.Ambedkar Road,
Mathunga (e), Mumbai - 400 019.
2. Mr.Senthil Kumar Alias K.Senthil Raj
S/o Late Mr.S.S.Krishnamoorthy,
No.10, Bagavantham Street, T.Nagar
Chennai - 600 017.

..Applicant(s)

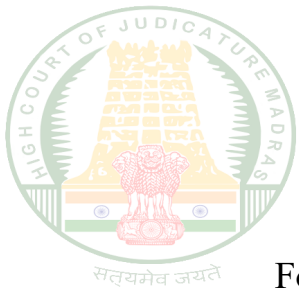
Vs

1. C.Raja And Another
Proprietor Of M/s Honest Builders,
Having Office At No.13/17, Rear Building, 18th
Avenue,
Ashok Nagar,
Chennai 600 083.
2. Mrs.K.Sridevi
W/o Mr.Babu,
No.59a, Padmavathy Nagar,
Kamaraj Salai, Virugambakkam,
Chennai - 600 092.

..Respondent(s)

To grant the Applicants/1st and 2nd Defendants leave to amend their written statement and Counter Claim as prayed for as stated in the schedule of the Judges Summons.

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For Applicant(s): M/S.Thomas T Jacob

For Respondent(s): Ms.R.Aparna

ORDER

This application has been filed by the applicants / defendants 1 and 2 seeking leave to amend the written statement and counter claim as set out in the schedule to the Judge's Summons.

2. The learned counsel appearing for the applicants submitted that after filing of the written statement and counter claim, the applicants obtained a report dated 04.10.2024 from Truth Labs. It is submitted that the said report supports the plea already raised by the applicants that the plaint documents are fabricated. Therefore, the applicants seek amendment of the written statement and counter claim by incorporating averments based on the said report.

3. The learned counsel appearing for the 1st respondent / plaintiff opposed the application by filing a common counter. It is contended that the proposed amendment is unnecessary, belated and based upon documents whose admissibility and reliability are disputed. It is further contended that the Truth Labs report cannot be treated as a valid expert opinion at this stage.

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4. This Court has considered the submissions made on either side.

5. The written statement and counter claim filed by the applicants / defendants 1 and 2 already contain the plea that the plaint documents are fabricated and that the signatures relied upon by the plaintiff are disputed. Therefore, the material facts constituting the defense and counter claim are already on record.

6. The Truth Labs report dated 04.10.2024 is only a piece of evidence sought to be relied upon by the applicants in support of their existing plea of fabrication. It is well settled that pleadings should contain material facts and not the evidence by which such facts are to be proved.

7. Therefore, it is not necessary to amend the written statement and counter-claim merely for the purpose of incorporating the contents or conclusions of the Truth Labs Report. The suit is now at the fag end of the trial. The proviso to Order VI Rule 17 of the Code of Civil Procedure draws a clear distinction between amendments sought before the commencement of trial and those sought after the commencement of trial. It mandates that no amendment shall be allowed after the

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commencement of trial unless the applicant establishes that, despite exercising due diligence, the matter could not have been raised earlier.

8. In the present case, the proposed amendment is sought not to clarify an existing plea, but to incorporate matters emerging from evidence obtained subsequent to the pleadings. It is a settled principle that evidence must follow pleadings and not vice versa. Permitting such an amendment at this stage would amount to reshaping the pleadings on the basis of evidence that has subsequently come on record, which is impermissible in law.

9. In the above circumstances, this Court finds no merit in the application. Accordingly, the application seeking amendment of the written statement and counter-claim is dismissed. No costs.

12-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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