

**IN THE COURT OF JUDGE, COMMERCIAL COURT
(DISTRICT JUDGE CADRE), COIMBATORE**

Present: **Thiru. K.Hariharan, M.L.,**
Judge,
Commercial Court (District Judge Cadre),
Coimbatore.

Wednesday, the 22nd day of January, 2025

I.A. No.2 of 2024
in
C.O.S.No.58 of 2024
(CNR No.TNCB22-000461-2024)

M/s. Padmashree Engineering,
Rep. by its Sole proprietor Mr. Paramasivam Petitioner / Plaintiff

// Vs //

1. M/s Yazhini Yarn Mills,
Rep. by its Proprietor, Mr. Murugesan

2. K. Murugesan Respondents / Defendants

This petition came up for final hearing before me on 04.01.2025 in the presence of Tmt.C.S.Yogalakshmi, Advocate for the petitioner / plaintiff and Thiru.P.Anbucheliyan, Advocate for the respondents / defendants and upon perusing the records, hearing both sides and having stood over for consideration till this date, this court doth passed the following:-

ORDER

This petition has been filed by the petitioner / plaintiff seeking to amend the plaint as mentioned in the petition under Order VI Rule 17 r/w Section 151 of C.P.C.

2. **The petition averments which are found essential for the Disposal of the petition is that:-**

The petitioner in the petition have submitted that at the time of filing of suit he has wrongly calculated the total amount of invoices by wrongly adding the proforma invoice amount. Though the invoices amount has been mentioned by the petitioner wrongly, the total amount claimed for by the petitioner do not change. Further the petitioner has mentioned that the petition for amendment is filed to specify the total amount due from the respondent and also the amount already paid by the respondents / defendants and sought for to allow the petition.

3. **By denying the petition averments the respondents/defendants has filed the counter. The sum and substance of the counter which are found essential for the Disposal of the petition is that:-**

The respondent has filed the counter denying the petition averments and stated that only after the filing of written statement the petition to amend the plaint is mentioned to have been filed by the petitioner. Further it is also the contention of the respondent that the petitioner has not stated any valid reason to amend the plaint. Only to delay the proceedings in the main suit the present petition is mentioned to have been filed by the petitioner and sought for to dismiss the petition.

4. Point for Consideration:-

Whether the petition under Order VI Rule 17 r/w Sec 151 of C.P.C. could be allowed?

Point:-

5. In a Commercial Suit the plaintiff and the defendant files Statement of Truth in the form of Affidavit as specified in the format Appendix - I of the Commercial Courts Act. In the affidavit the parties to the suit gives their undertaking regarding the pleadings as what are stated by them are true. Now the plaintiff after the filing of written statement by the defendant has come up with this petition seeking to amend the plaint. This Court has perused the plaint, list of documents filed by the plaintiff, the written statement. Admittedly the claim amount mentioned by the plaintiff is not changed in the suit. After the filing of plaint in the written statement the defendant has taken certain stand regarding the amount specified by the plaintiff in the plaint. When subsequent to filing of written statement, if such a amendment is allowed, the same would lead to multiplicity of proceedings and there could not be no finality in filing of pleadings by the parties.

6. This Court has also verified the reasons stated by the petitioner in the petition and this Court find no valid reason submitted by the petitioner to amend the plaint. Morefully, the suit proceeding will also be decided as to the

relief sought for by the plaintiff which have not gone under any change. Under these circumstances, this Court would find that the petitioner seeking to amend the plaint is not supported with any valid reasons and considers to dismiss the petition.

7. In the result the petition is dismissed. No Costs.

Dictated to the Steno-Typist, computerized by him directly, Corrected and Pronounced by me, on the 22nd day of January 2025.

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore

List of Witnesses and Documents:- Nil

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore