
(1926) 02 MAD CK 0041
In the Madras High Court

Kolluru Venkataratnam

APPELLANT

Vs

Pusapati Venkamma

RESPONDENT

Date of Decision : 08-02-1926

Acts Referred:

Citation : 95 Ind. Cas. 267

Hon'ble Judges : Wallace, J

Bench : Single Bench

Judgement

1. The amendment of the plaint was called for because the basis of plaintiff's right to sue had been jeopardised by a decision in another suit that a similar endorsement on a similar pro-note was a forgery. This decision was passed after the plaint in this suit was filed and the application for amendment of the plaint was put in promptly. The amendment if allowed merely gives plaintiff another "string to her bow," in respect of her claim that the original liability of defendant under the suit note to Nagayya has now passed into a liability to herself. Defendant does not seem to plead that he is not liable under the note, provided the suit is in time. In these circumstances the ruling in Naba Kumar Chowdhury Vs. Higheazany, cited by the lower Court is in point and the amendment does not affect defendant's liability to pay though there is a change in the manner in which plaintiff claims the debt.

2. In the circumstances I am not prepared to hold that the lower Court has acted without jurisdiction or has exercised its jurisdiction irregularly in allowing the amendment.

3. The petition is dismissed with costs.