

(1926) 02 MAD CK 0003
In the Madras High Court

(Kolluru) Venkataratnam

APPELLANT

Vs

Pusapati Venkamma

RESPONDENT

Date of Decision : 08-02-1926

Acts Referred:

Citation : AIR 1926 Mad 754 : (1926) 23 LW 618

Hon'ble Judges : Wallace, J

Bench : Division Bench

Judgement

Wallace, J.—The amendment of the plaint was called for because the basis of plaintiff's right to sue had been jeopardized by a decision in

another suit that a similar endorsement on a similar promissory-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 nota 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.