



C.R.P.(MD).No.2621 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.2621 of 2018

and

C.M.P(MD) No.11483 of 2018

1. T.Selvaraj
2. T.Kalidoss

... Revision Petitioners/Respondents/
Defendants

-vs-

S.K.Gurusamy

... Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, challenging the order dated 23.07.2018 made in I.A.No. 135 of 2018 in O.S.No.63 of 2017 on the file of the Sub Court, Virudhunagar.

For Petitioners : Mr.P.Mahendran

For Respondent : Mr.R.Sundar

ORDER

The present Civil Revision Petition has been filed by the petitioners under Article 227 of the Constitution of India, challenging the order dated



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23.07.2018 made in I.A.No.135 of 2018 in O.S.No.63 of 2017 on the file of the Sub Court, Virudhunagar.

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2. The revision petitioners herein are the defendants and the respondent is the plaintiff before the trial Court.

3. For the sake of convenience, the parties would be referred to according to their litigating status before the trial Court.

4. The short facts which give rise to the instant Civil Revision Petition are that the respondent has filed an amendment application to amend the plaint to the effect that at the time of execution of the pronotes, two witnesses, namely, R.Karthiskumar and B.Jeyapandi were present. The said application was objected by the revision petitioners on the ground that such an amendment was brought by the plaintiff only after the cross-examination of the plaintiff, that too, when the defendants have posed the question to the plaintiff as to who were present at the time of execution of the pronote.



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5. However, the learned trial Judge after going into the various aspects, has allowed the application on the ground that the two names, which the plaintiff wants to amend, were already found in the suit pronote and were already marked and available before the Court. Therefore, the amendment which sought for by the plaintiff will in no way change the nature of the suit and the cause of action and also found that they have not introduced any new facts before this Court.

6. This Court has given anxious consideration to the submissions of the learned counsel on either side.

7. It is the only submission of the learned counsel for the petitioners that the amendment sought for by the petitioners is subsequent to the trial, and has arisen after the specific questions posed to P.W.1 in respect of the person as to whose presence the pronote was executed. No doubt, the application could have been filed, prior to the examination of witnesses. However, the facts of this case have been explained by the learned trial Judge and also found that the suit pronote is available and marked before the Court,



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and also found that the names which the plaintiff wants to add in the plaint, were already exists in the pronote.

8. Therefore, this Court is of the opinion that, the Court below has rightly exercised jurisdiction and it is pertinent to mention that such an amendment will not give any new facts to the case, which could prejudice the defendants, further such amendment will not also change the cause of action. Therefore, this Court is of the firm view that there is no scope for this Court to interfere with the very reasoned order passed by the learned trial Judge under Order 6 Rule 17 and 18 of C.P.C. Therefore, the very Civil Revision Petition is liable to be dismissed.

9. In the result, the Civil Revision Petition stands **dismissed**. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

18.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The Sub Court,
Virudhunagar.



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C.KUMARAPPAN,J.

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