

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

C.R.P.(PD) No.1098 of 2013

and

M.P.No.1 of 2013

R.Pazhanivel

... Petitioner/Plaintiff

Vs.

U.Thirumeni

...Respondent/Defendant

Prayer: Petition is filed under Article 227 of the Constitution of India, against the order dated 16.10.2012 made in I.A.No.683 of 2012 in O.S.No.91 of 2003 on the file of the District Munsif Court, Panruti.

For Petitioner : Mr.V.Bhiman
For Respondent : Mrs.R.Meenal

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ORDER

This Civil Revision Petition is filed by the petitioner/plaintiff, against the order dated 16.10.2012 passed by the learned District Munsif, Panruti, in I.A.No.683 of 2012 in O.S.No.91 of 2003, in and by which, the said I.A. filed for amendment of the plaint, was dismissed.

2. The learned counsel for the petitioner/plaintiff contended that the petitioner wanted to include some averments regarding the possession of the property and accordingly, he wanted to amend the plaint.

3. The learned counsel for the respondent/defendant contended that since the petitioner/plaintiff has not claimed the relief within three years from the date of attaining majority, the petition is not maintainable. She further contended that there is no irregularity or illegality in the order passed by the learned District Munsif Court, Panruti, and therefore, she prayed that the Civil Revision Petition may be dismissed.

4. This Court heard the submissions made by the learned counsel on either side and perused the materials available on record.

5. On a perusal of the records, it reveals that the suit is filed to declare the title of the plaintiff over the suit property and consequently for permanent injunction restraining the defendant, his agent, servant or any other person claiming under him from interfering with the peaceful enjoyment of the suit property by the plaintiff. The amendment sought for by the plaintiff is only to include some averments in the plaint. There is no amendment sought for in

the prayer of the suit. Hence, the argument of the learned counsel for the respondent/defendant that since the suit is not filed within three years from the date of the petitioner attaining majority, the petition is not at all sustainable.

6. In view of the above facts and circumstances of the case, in the interest of justice and to meet the ends of justice, the impugned order passed by the learned District Munsif, Panruti, is not sustainable. Therefore, this Court is inclined to allow the Civil Revision Petition.

7. In the result, this Civil Revision Petition is allowed. The petitioner/plaintiff is directed to carry out the amendment in the plaint within three weeks from the date of receipt of a copy of this order. The learned District Munsif, Panruti, is directed to give sufficient time to the respondent/defendant to file additional written statement, if any. Consequently, connected Miscellaneous Petition is closed. No costs.

14.12.2015

Index :Yes / No
Internet :Yes / No
Jrl

To

1. The District Munsif, Panruti.
2. The Record Keeper, V.R. Section, High Court, Madras.

G.CHOCKALINGAM, J.

JrI

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