

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2644 of 2015 &

M.P.No.1 of 2015

D.Sambasivam(deceased)

1.Ramesh
2.Mannamal
3.Manavalan

... Petitioners

v.

Sabestiammal

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 30.01.2015 made in I.A.No.1116 of 2014 in O.S.No.192 of 2007 on the file of Additional District Munsif Court, Poonammalee.

For Petitioner : Mr.T.Vijayan

ORDER

Challenging the fair and final order passed in I.A.No.1116 of 2014 in O.S.No.192 of 2007 on the file of Additional District Munsif Court, Poonammalee, the plaintiffs have filed the above Civil Revision Petition.

2. The plaintiffs filed the suit in O.S.No.192 of 2007 for permanent injunction. The defendant filed her written statement and is contesting the suit. When the suit was taken up for trial, the plaintiffs took out an application in I.A.No.1116 of 2014 seeking for amendment of the plaint by amending the survey number. The application filed by the plaintiffs was opposed by the defendant.

3. The Trial Court, after taking into consideration the case of both the parties, dismissed the application. While dismissing the application, the Trial Court also took into consideration the earlier application filed by the plaintiffs seeking for amendment of the survey number. The said application was dismissed by the Trial Court on 5.7.2014 as devoid of merits.

4. Now, once again the plaintiffs have filed the present application seeking for amendment of the survey number. That apart, the present application has been filed at a belated stage, that too, after the commencement of the trial. When the suit was pending from 2007, the

plaintiffs should have filed the application, seeking for amendment of the survey number, at the earliest point of time. The present application has been filed after a lapse of 7 years, which was rightly dismissed by the Trial Court.

5. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : No
Internet : Yes

20.07.2015

Rj

To

The Additional District Munsif Court,
Poonammalee

M. DURAISWAMY,J.,

Rj

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