

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2015

CORAM

THE HONOURABLE MR.**JUSTICE D.HARIPARANTHAMAN**

C.R.P (PD) No.3663 of 2015

and M.P.No.1 of 2015

S.Muruganantham

... Petitioner

VS.

1.M.Santhakumar

2.S.Murthy

3.S.Karthikeyan

.... Respondents

Civil revision petition has been filed under Article 227 of the Constitution of India against the order passed in I.A.No.994/2014 in O.S.No.677/2011 on the file of the Principal District Munsif, Erode dated 15.07.2015.

For Petitioner : Mr.V.Balamurugane

For Respondents : Mr.A.K.Kumaresamy,
for R1 & R2

ORDER

The revision petitioner is the first defendant in O.S.No.677 of 2011 on the file of the learned Principal District Munsif, Erode. The

respondents 1 and 2 herein are the plaintiffs 1 and 2 and the third respondent herein is the second defendant therein.

2. The respondents 1 and 2 herein filed an application in I.A.No.994 of 2014 in O.S.No.677 of 2011 under Order 6 Rule 7 C.P.C. for amendment of the plaint. Earlier, the suit was only for bare injunction. Now, they wanted to seek the prayer of declaration also. The same was allowed by the Trial Court by order dated 15.7.2015 in I.A.No.994 of 2014 in O.S.No.677 of 2011. The present revision petition is filed against the aforesaid order.

3. Heard both sides.

4. It is admitted that the trial of the suit in O.S.No.677 of 2011 is yet to commence. Before commencement of trial, the Trial Court thought it fit to permit the plaintiffs to amend the prayer made in the plaint. I do not find any infirmity in the order and no prejudice would be caused to the defendants, if the prayer is amended. The revision petitioners can file additional written statement. Even if time has expired, the Trial Court is directed to give time to file additional written statement.

5. In the result, the order of the learned Principal District Munsif, Erode, dated 15.7.2015 made in I.A.No.994 of 2014 in O.S.No.677 of 2011 is confirmed and the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2015

Index:Yes/No
sbi

To

The Principal Sub Judge,
Erode.

D.HARIPARANTHAMAN,J.

sbi

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