

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3720 of 2015

and

M.P.No.1 of 2015

Chotima Bibi

.. Petitioner/Petitioner/Plaintiff

Vs.

Abdul Munab

.. Respondent/Respondent/Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 30.09.2013 made in I.A.No.154 of 2013 in O.S.No.28 of 2013 on the file of the learned Principal District Munsif, Vandavasi, Thiruvannamalai District and consequently permit the petitioner to amend the plaint schedule as prayed for in the above said I.A.No.154 of 2013 in O.S.No.28 of 2013.

For Petitioner : Mr.M.N.S.Mohamed Habeeb Raja

For Respondent : Mr.P.Sivamani

O R D E R

The revision petitioner is the plaintiff in O.S.No.28 of 2013 on the file of the learned Principal District Munsif, Vandavasi. The respondent herein is the defendant therein.

2. The respondent herein as plaintiff had filed a suit in O.S.No.89 of 2013 on the file of the learned District Munsif, Vandavasi, wherein the revision petitioner herein is the first defendant.

3. While so, the revision petitioner has filed an application in I.A.No.154 of 2013 in O.S.No.28 of 2013 under Order 6 Rule 17 CPC for amendment of the plaint. It is submitted by the learned counsel for the revision petitioner that the said application in I.A.No.154 of 2013 was filed much before the filing of the written statement and it was not hit by any limitation.

4. However, the Trial Court by an order dated 30.09.2013 dismissed the said application in I.A.No.154 of 2013 in O.S.No.28 of 2013 and hence, the revision petitioner was forced to approach this Court by filing the present Civil Revision Petition.

5. Heard both sides.

6. It is not in dispute that the trial is yet to commence. Hence, without going into the merits of the issues, I am of the considered view that the amendment sought for in the plaint, prior to the commencement of the trial has to be allowed in the normal course, particularly when the same was not hit by any limitation. Further, it is not the case of the respondent that the amendment is hit by limitation.

7. In these circumstances, I am inclined to set aside the order dated 30.09.2013 made in I.A.No.154 of 2013 in O.S.No.28 of 2013 and accordingly, the application in I.A.No.154 of 2013 is allowed. Consequently, the respondent herein is granted time to file additional written statement.

8. At this juncture, it is submitted by the learned counsel appearing for both sides that the suit in O.S.No.28 of 2013 and O.S.No.89 of 2013 can be tried together and the Trial Court can be directed to dispose of both the suits within a stipulated time period.

9. Considering the submissions made by both sides, the Trial Court is directed to try the suits in O.S.No.28 of 2013 and O.S.No.89 of 2013 jointly and dispose of the same within a period of nine (9) months from the date of receipt of a copy of this order.

10. The Civil Revision Petition is allowed with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Asst.Registrar (CS V )

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Sub Asst. Registrar

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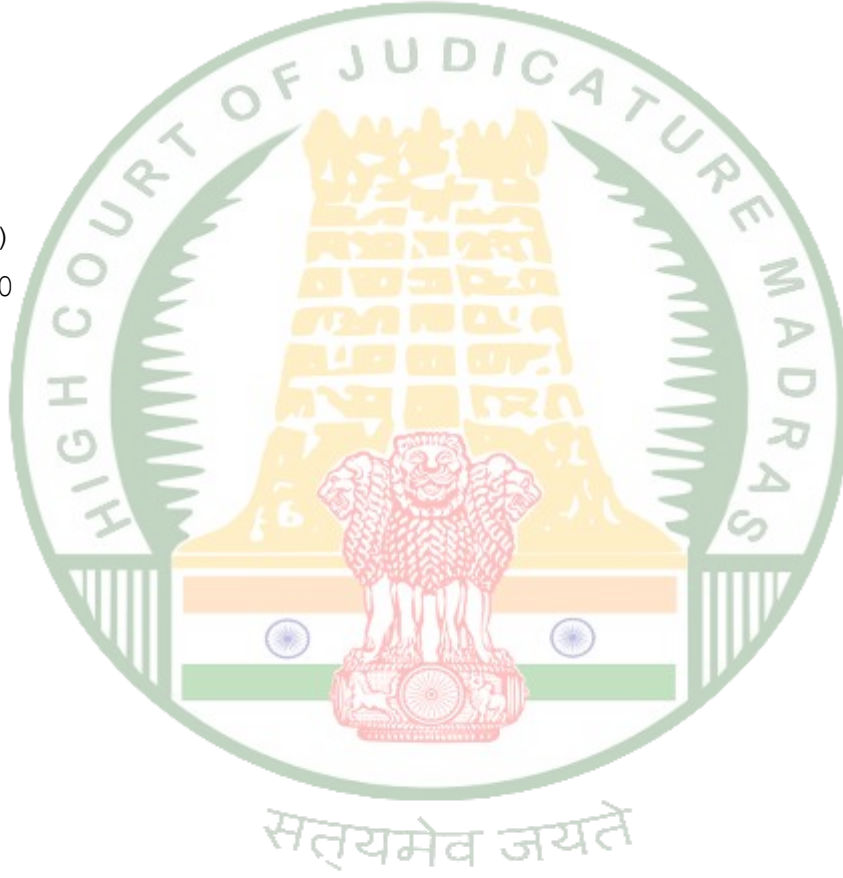
To

The Principal District Munsif,  
Vandavasi, Thiruvannamalai District

1 CC to Mr.M. N.S. Mohamed Habeeb Raja, Advocate, Sr. 54958  
1 cc to Mr.P. Sivamani, Advocate, Sr. 55283

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