

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.09.2015**

CORAM :

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

C.R.P.(PD) No.3731 of 2015

and

M.P.No.1 of 2015

S.R.Jabaraj @ Sam Robert Jabaraj

.. Petitioner

[The petitioner S.R.Jabaraj @
Sam Robert Jabaraj declared as
major and Mrs.Anna Mary discharged
as guardian vide order of Court
dated 19.08.2015 passed in
M.P.No.1 of 2015 in CRP SR No.
63876 of 2015]

vs.

1. Ebinesar
2. Saloman

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 26.08.2014 passed by the learned Additional District Munsif at Poonamallee in I.A.No.1436 of 2013 in O.S.No.252 of 2012.

For Petitioner

:

Mr.A.Prabhakaran

ORDER

Challenging the order of dismissal dated 26.08.2014 passed by the learned Additional District Munsif at Poonamallee in I.A.No.1436 of 2013 in O.S.No.252 of 2012 in dismissing the petition filed under Order 6 rule 17 of Code of Civil Procedure to amend the plaint, this Civil Revision Petition has been filed.

2. Heard the learned counsel for the petitioner.

3. On a perusal of the order impugned in this petition, it is seen that the Court below has dismissed the petition filed to amend the plaint mainly on the ground that the prayer sought for in the interlocutory application seeking mandatory injunction to remove the obstruction in the B scheduled property, has already been raised by the petitioner in the main suit itself in para No.16 and that the petitioner has not produced any evidence to substantiate the allegations of putting illegal constructions by the respondents. Further as per the Advocate Commissioner's report filed, there is no hindrance or obstructions in the B scheduled common passage, as alleged by the petitioner.

4. In view of the aforesaid reasons stated, this Court feels that there need not be a separate order, especially, when the petitioner's only grievance is to remove the illegal constructions put up in the common passage. Hence, I do not find any ground to interfere with the reasoned order passed by the Court below in dismissing the interlocutory application.

5. With the above observation, this Civil Revision Petition is closed. No costs. Consequently, the connected miscellaneous petition is closed.

22.09.2015

vj2

Index: Yes/No

Internet: Yes

To

The Additional District Munsif at Poonamallee

B.RAJENDRAN,J.
vj2

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