

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3962 of 2015
and
M.P.No.1 of 2015

1. The General Manager
H.R.Department
Ultratech Cement
Reddipalayam (P.O)
Ariyalur Taluk

2. The General Manager
Velipringiyam
Lime Stone Mines
Reddipalayam Post, Ariyalur Taluk

... Petitioners/Respondents/
Defendants 1 & 2

Vs.

1. K.Nagarajan
2. Sri.K.Palanisamy
S/o.Karuppiah
Indian National Labour Union (Regd)
No.13/PER/INTUC No.11605
Ultra Tech Cement, Reddipalayam
Ariyalur Taluk

... Respondents/Petitioner &
3rd Respondent/Plaintiff & 3rd Defendant

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 20.07.2015 made in I.A.No.95 of 2014 in O.S.No.135 of 2012 on the file of the Principal District Munsif, Ariyalur.

For Petitioners : Mr.V.Bhiman

O R D E R

The revision petitioners are the defendants 1 and 2 in O.S.No.135 of 2012 on the file of the Principal District Munsif, Ariyalur. The details of the suit are not relevant for the purpose of disposal of this Civil Revision Petition.

2. The 1st respondent herein is the plaintiff and the 2nd respondent herein is the 3rd defendant in the said suit.

3. While so, before the commencement of the trial, the 1st respondent herein filed an application in I.A.No.95 of 2014 in O.S.No.135 of 2012 under Order 6 Rule 17 CPC, seeking to amend the plaint. The said application was allowed by the Trial Court by an order dated 20.07.2015 and the present Civil Revision Petition is preferred against the aforesaid order.

4. Heard the learned counsel appearing for the petitioners.

5. The Trial Court after considering the relevant provisions and the decisions of this Court, allowed the application in I.A.No.95 of 2014 in O.S.No.135 of 2012 on the ground that if the said amendment is not allowed, it will lead to multiplicity of proceedings and furthermore, the Trial has not commenced.

6. However, the learned counsel appearing for the petitioners vehemently contended that the suit itself is not maintainable. But the said contention made by the learned counsel for the petitioners cannot be accepted because the issue that was decided by the Trial Court which is under challenge in this Civil Revision Petition does not relate to the maintainability of the suit and the Trial Court was only concerned with the application seeking to amend the plaint. Since the said application was filed before the commencement of trial, the Trial Court had allowed the application.

7. In these circumstances, I am not inclined to interfere with the order passed by the Trial Court dated 20.07.2015 made in I.A.No.95 of 2014 in O.S.No.135 of 2012. Accordingly, the Civil Revision Petition fails and the same is hereby dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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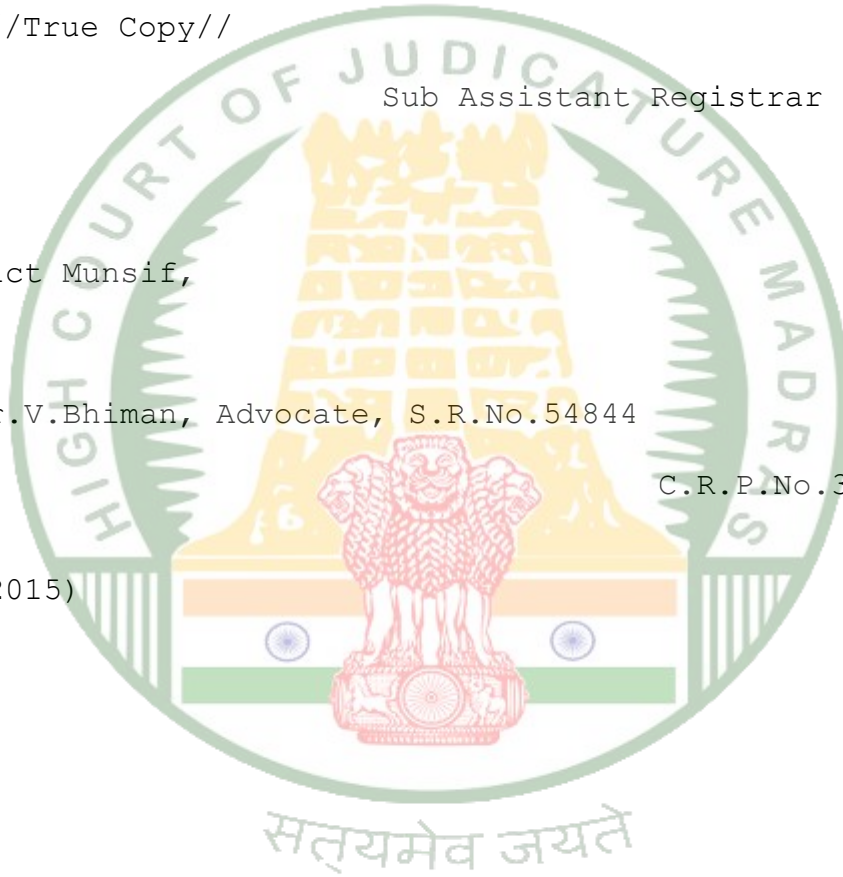
To

The District Munsif,
Ariyalur

+1cc to Mr.V.Bhiman, Advocate, S.R.No.54844

C.R.P.No.3962 of 2015

KSJ(CO)
CA(26/10/2015)



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