

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (PD).No.626 of 2015

and

M.P.No.1 of 2015

1.K.Shanmugam

2.P.Natarasu

...

Petitioners

Versus

1.Commissioner,
HR & CE, Nungambakkam,
Chennai.

2.Joint Commissioner,
HR & CE, Tiruppur.

3.Assistant Commissioner,
HR & CE, Tiruppur.

4.Inspector,
HR & CE, Kangayam.

5.Executive Officer,
Arulmighu Veerakumarasamy Temple,
Vellakoil.

...

Respondents

Prayer: This civil revision petition is filed under Article 227 of the Constitution of India against the order and Decree in I.A.No.1223 of 2014 in O.S.No.350 of 2013 dated 14.10.2014 on the file of the Learned District Munsif, Kangayam.

For Petitioners

:

Mr.P.Gopalan

ORDER

This civil revision petition is directed against the order dated 14.10.2014 passed by the Learned District Munsif, Kangayam, in I.A.No.1223 of 2014 in O.S.No.350 of 2013.

2. The petitioners have instituted a suit in O.S.No.350 of 2013 before the District Munsif, Kangayam, against the respondents for permanent injunction and for other reliefs.

3. The defendants have filed their written statement and thereafter, the trial Court has framed about eight issues to be decided in the suit.

4. The petitioners filed I.A.No.1223 of 2014 to modify the issues. The Learned District Munsif, Kangayam, dismissed the application. Aggrieved by the order, the present civil revision petition is filed.

5. Mr.P.Gopalan, learned counsel for the petitioners submitted that the petitioners have filed the suit only for bare injunction, but the trial Court has framed as many as eight issues which were not at all relevant to this case. It is further submitted that only issue to be framed in this case is whether the plaintiffs are entitled to the relief of permanent injunction against the defendants.

6. It is seen that the trial Court dismissed the application holding that the trial Court can amend or alter the issues at any stage prior to judgment and issues were framed by the Court so as to enable to come to a definite

conclusion regarding the rights of the parties. The trial Court has further observed that at this stage, this Court need not amend the issues already framed. In view of the specific observations made by the trial Court, I do not find any illegality or irregularity in the order impugned in this civil revision petition.

In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index:Yes/No
Internet:Yes/No
sms

12.02.2015

To
The Learned District Munsif, Kangayam.

K.KALYANASUNDARAM,J.

sms

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