

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD).No.770 of 2015

and

M.P.Nos. 1 & 2 of 2015

1.Sakthivel
2.Krishnaveni

....
Vs.

Petitioners

1.Kalyani
2.Rajesh
3.Suresh

....

Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order made in I.A.No.555 of 2014 in O.S.No.143/2013 dated 07.01.2015 on the file of the District Munsif Court, Mannargudi.

For Petitioners : Mr.S.Thiruvengataswamy

ORDER

The civil Revision petition is directed against the order dated 07.01.2015 passed by the District Munsif Court, Mannargudi, in I.A.No.555 of 2014 in O.S.No.143/2013.

2. The defendants, in O.S.No.143 of 2013 on the file of the District Munsif Court, Mannarkudi, are the petitioners in this civil revision petition. The respondents had instituted a suit against the petitioners for permanent injunction and also for mandatory injunction.

3. The petitioners filed their written statement on 04.08.2014 and they have been contesting the suit. The plaintiffs filed I.A.No.555 of 2014 in O.S.No.143 of 2013 under Order 6 Rules 16 & 17 C.P.C seeking amendment of the schedule in the suit property.

4. The petition was opposed by the petitioners. Despite objection, the trial Court allowed the application. Challenging the order, the present civil revision petition is filed.

5. Mr.S.Thiruvengkataswamy, learned counsel for the petitioners submitted that post trial amendment cannot be allowed. It is further submitted that the defendants had already filed their written statement in the month of August, 2014, and after examination of two witnesses, the respondents have filed the present application. The learned counsel has relied upon the judgment reported in **2014 (2) CTC 655 (Ferani Hotels Private Ltd., Mumbai - 400 052 Vs. K.Raheja Development Corporation (KRDC), Mumbai - 400 052 and another).**

6. It is seen that the respondents had instituted the suit for permanent injunction and also for mandatory injunction. The application was filed only for amendment of boundaries (directions) to the suit property. In the amendment

application, they want to correct the directions given to the suit property. The trial Court allowed the application holding that amendment would not change the character and nature of the suit. I do not find any illegality or irregularity in the impugned order.

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

26.02.2015

Index : Yes/No
Internet: Yes/No
sms

To

The District Munsif Court, Mannargudi.

K.KALYANASUNDARAM,J.

sms

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