



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2015

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD) No.77 of 2015

and

M.P. (MD) No.1 of 2015

1.Solaiammal
2.Muthuramalingam
3.Krishnan
4.Pasupathi
5.Muniammal : Petitioners/Petitioners/Plaintiffs

Vs.

1.Saminathan
2.Malaichamy
3.Manickam
4.Boominathan : Respondents/Respondents/Defendants

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the order dated 13.11.2014 in I.A.No.100 of 2014 in O.S.No.106 of 2008 on the file of the District Munsif Court, Mudhukulathur.

For Petitioners : Mr.N.Anandakumar

ORDER

The plaintiffs have filed the above revision challenging the order refusing to amend the plaint.

2. The trial was completed and the suit was posted on 06.01.2012 for judgment. At that stage, the trial Court had suo-motu re-opened the case and framed additional issues and that the parties adduced evidence on the same. Taking advantage of the same, the plaintiffs have filed the above application to amend the plaint by supplementing the suit schedule property details. The defendant had opposed the same contending that it is the Court which had re-opened the matter suo-motu, which cannot be taken advantage by the plaintiffs to amend the plaint. It is open to the defendant to adduce evidence by examining them. However, the plaint schedule property cannot be amended.



3. The trial Court after hearing the parties, had dismissed the application holding that it was for the sake of convenience of the Court, which had wanted some clarification, the suit was re-opened. In that process of clarification, it was open to the parties to adduce evidence orally. The process of clarifying the doubt that had arisen in the mind of the Court cannot be taken advantage of by the plaintiffs to file a petition for amending the plaint when amendment of plaint is deprecated even after the commencement of trial. In this case trial was completed and case was posted for judgment. It is for certain clarification, the Court had re-opened the case. Therefore, the plaintiff cannot seek amendment of plaint and the Court had rightly dismissed the application.

Therefore, there is no reason to interfere with the order of the trial court. Hence, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif ,
Mudhukulathur.

+One cc to Mr.N.Anandakumar , Advocate, SR.No.2695

pm

RL/3 c- 14/2/2015

Order made in
C.R.P. (PD) (MD) No.77 of 2015

21.01.2015