



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P (PD) (MD) No.1027 of 2011
and M.P(MD).No.1 of 2011

S.Muniammal

... Petitioners

Vs.

1.B.Krishnakumar

rep. By his power agent Rasi

2.R.Balasubramanian

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against Fair and Decreetal order dated 03 November 2010 made in I.A.No.733 of 2010 in O.S.No.132 of 2008 on the file of District Munsif Court, Pudukottai.

For Petitioner

: Mr.P.Thiagarajan

For Respondents

: Mr.N.Balakrishnan for R1

No Appearance for R2

O R D E R

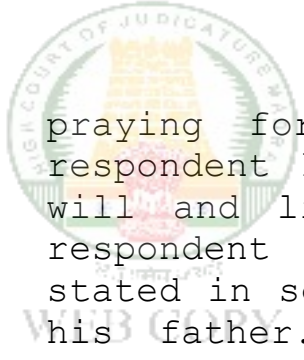
The first respondent filed a suit against the petitioner and the second respondent, praying for a decree of permanent injunction. The first respondent after examination of P.W.1, filed application in I.A.No.733 of 2010 to amend the plaint. The application was allowed by the trial Judge inspite of the objection raised by the petitioner herein. The order dated 03 November 2010 is under challenge in this civil revision petition.

2.The learned counsel for the petitioner contended that the first respondent has not given any reason much less justifiable reason for amendment after commencement of trial. According to the learned counsel, the learned trial Judge inspite of the failure on the part of the first respondent to give justifiable reason for amendment, allowed the application and as such, the order is liable to be set aside.

3.The learned counsel for the first respondent justified the impugned order.

<https://mc.services.ecourts.gov.in/mcservices/>

4.The petitioner filed the suit in O.S.No.132 of 2008,



praying for a decree for permanent injunction. The first respondent has already stated in his plaint with regard to the will and life estate given to his father. Though the first respondent has referred to the will in question, he has not stated in so many words with respect to the life estate given to his father. It was only to give better particulars, the respondent has filed the application for amendment.

5.It is true that the first respondent has not given detailed explanation with regard to the delay in preferring the application. Even then, the learned trial Judge exercised his discretion. The order was passed on 03 November 2010. I am not inclined to set aside the impugned order at this point of time.

6.In the result, the civil revision petition is dismissed. No costs. It is needless to point out that sufficient opportunity should be given to the petitioner to file additional written statement, in view of the amendment now made to the plaint. Consequently, connected M.P.(MD) No.1 of 2011 is also dismissed.

SD

ASST REGISTRAR -AS

TRUE COPY

SUB ASST REGISTRAR

Arul

To

1.The District Munsif, Pudukottai.

1CC TO M/S.N. KRISHNAVENI, ADV SR: 33543

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and M.P(MD) .No.1 of 2011
24.6.2015