

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3973 of 2014 and
MP.No.1 of 2014

Sekar

...Petitioner

versus

1.Mohan
2.Subramanian
Kadar Ghouse Sahib(died)
3.Hameedkhan Sahib
4.Jamma Beevi
5.Sadiq Basha
6.Rahamath Beevi
7.Mubarak
8.Sadam Hussain

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against fair and decretal order dated 04.08.2014 on the file of the learned Additional District Munsif at Chidambaram.

For Petitioner : Mr.R.Gururaj
For R1 :Mr.A.Arulmozhi
For R2 :No appearance

ORDER

The learned Additional District Munsif, Chidambaram allowed the

application filed by the first respondent to amend the plaint. The order is under challenge at the instance of the second defendant in the civil suit in O.S.No.2 of 2009.

2.Heard the learned counsel appearing for the petitioner and the learned counsel for the first respondent.

3.The first respondent filed the application in question with a grievance that the boundary in respect of item No.6 was wrongly shown in the Exchange Deed and in correct details were incorporated in the plaint originally filed. The first respondent therefore, wanted the boundaries in respect of item No.6 to be corrected. The application was allowed by the trial Court on the ground that by amending the plaint, the cause of action for filing the suit would remain unchanged.

4.The first respondent wanted the boundaries to be rectified. Even after the amendment made to the plaint, it is for the first respondent to prove that he is entitled to the relief claimed in the suit.

5.The learned trial Judge exercised his discretionary power taking into account the back ground facts. I do not find error or

illegality in the said order warranting interference.

5.It is open to the petitioner to file an additional written statement, if he is so advised.

6.The Civil Revision Petition is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

28.09.2016

Index:Yes/No
dn

To

The Additional District Munsif,
Chidambaram.

K.K.SASIDHARAN, J.

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