

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.10.2016**

CORAM:

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

C.R.P.(P.D.) No.4269 of 2014

K.P.Arumugam

...Petitioner

vs.

1. Amudhavalli
2. Loganayaki
3. Vinitha
4. Parimala
5. Dr.V.Annapoorani
6. Shyam Sundar
7. Akila Periasamy
8. A.P.Vidya
9. K.P.Sathish

10. The President,
Thottipalayam Panchayat,
Bhavani Taluk.

...Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order of the Principal District Munsif Court, Bhavani, Erode District made in I.A.No.1350 of 2014 in O.S.No.344 of 2013.

For Petitioner	:	Mr.M.Palani
For 1st Respondent	:	Mr.N.Manokaran
For R2 to R10	:	No appearance

ORDER

The 1st respondent filed a suit for declaration and injunction in O.S.No.344 of 2013. The suit was opposed by the petitioner by filing written statement.

2. Thereafter, and more particularly, before the commencement of trial, the 1st respondent filed an application in I.A.No.1350 of 2014 for amendment of the plaint. The amendment was to incorporate the correct Survey Number in the place of the Survey number already given in the plaint.

3. The application was allowed by the learned Trial Judge notwithstanding the objections raised by the petitioner. Aggrieved by the order dated 03.09.2014, the unsuccessful respondent in I.A.No.1350 of 2014, has filed this Civil Revision Petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

5. The 1st respondent filed an application in I.A.No.1350 of 2014 with a limited prayer to amend the Survey number. The 1st respondent wanted to correct the survey number as 436/4 instead of Survey No.436/2. No other corrections were sought to be made in the plaint. Even after amendment of the Survey Number, it is for the 1st respondent to prove that she is entitled to a decree. In any case, amendment of the Survey Number would not alter the nature of the suit. I am therefore of the view that the Trial Court was perfectly correct in allowing the application for amendment.

6. In view of the above, the Civil Revision Petition is dismissed. No costs. Consequently, connected M.P.No.1 of 2014 is closed.

20.10.2016

Index:Yes/No

aeb

To
The Principal District Munsif Court, Bhavani, Erode District.

K.K.SASIDHARAN,J.
(aeb)

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