

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(P.D.) No.312 of 2015

M.Rajendiran

...Petitioner/Defendant

versus

K.Pandurangan

...Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, as against the order and decree dated 17.12.2014, made in I.A.No.269 of 2014 in O.S.No.227 of 2008 on the file of District Munsif, Arakkonam, Vellore District.

For Petitioner : Mr.A.Gouthaman

For Respondent : Mr.P.Sankaranarayanan

ORDER

The application filed by the petitioner for amendment of the written statement to describe a person by name, 'Balakrishnan' as 'half brother', was dismissed by the Trial Court. The said order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The interlocutory application filed by the petitioner in I.A.No.269 of 2014, clearly shows that it was only to describe a person by name, 'Balakrishnan' as 'half brother', the application was filed. Learned Trial Judge dismissed the application on the ground that amendments are not permitted after the commencement of trial.

4. The amendment proposed would not go to the root of the matter so as to cause prejudice to the respondent. I am therefore, of the view that the Trial Judge was not correct in dismissing the application.

5. In the result, the order dated 17.12.2014, in I.A.No.269 of 2014 in O.S.No.227 of 2008 is set aside. The Trial Judge is directed to dispose of the suit as expeditiously as possible.

6. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2016

Index : Yes/No
smi

To

1. The District Munsif,
Arakkonam, Vellore District.

K.K.SASIDHARAN, J.

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