

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.1106 of 2016

&

C.M.P.No.6080 of 2016

Coumar

... Petitioner

vs.

1.Subramanian

2.Mangaiyarkarasi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 24.08.2015 made in I.A.No.658 of 2015 in O.S.No.95 of 2013 on the file of III Additional District Judge, Puducherry.

For Petitioner : M/s.Stalin Abhimanyu

ORDER

The plaintiff in O.S.No.95 of 2013 pending on the file of the Principal District Judge, Puducherry is the petitioner in the present revision. The suit came to be filed for declaration of title and recovery of possession.

2. The plaintiff relied on a Will of Kichenaveny Ammal dated

19.06.1997, the judgment and decree made in O.S.No.390 of 2000 on the file of the Principal District Munsif, Pondicherry, judgment and decree of the Additional Subordinate Judge, Pondicherry in the appeal arising therefrom, namely A.S.No.4 of 2011 and a subsequent notice issued by him to the defendants. After the filing of the written statement and when the case was pending for trial, the petitioner/plaintiff chose to file I.A.No.658 of 2015 under Order VI Rule 17 CPC for amendment of the plaint. The proposed amendment is sought to be made in the guise of supplying certain omissions made while preparing the plaint. The omission, according to the petitioner, is the failure to refer to yet another suit, namely O.S.No.564 of 2002. The affidavit does not contain the particulars as to in which Court the said suit was filed and disposed of. A bald averment has been made in the supporting affidavit that the amendment has been sought for to furnish additional particulars, namely the Court records pertaining to the respondents herein in O.S.No.564 of 2002. What additional particulars pertaining to the respondents in the revision petition are sought to be pleaded in the additional plea has not been made known.

3. Furthermore, the petition for amendment lacks material particulars. The details of amendment sought for has been furnished in the amendment petition as under:

Details of Proposed Amendments

- 1) At Page No.3 of the plaint Para No.4 to be included.
- 2) The Para No.4 has to be amended as Para No.5.
- 3) Page No.5 the List of Documents is to be amended by including additional documents from Document No.14 to Document No.24"

4. The crippled and bald averment without making it clear, what are the exact amendments sought to be made, will make the petition for amendment as one that ought not to have been entertained. Though the Court below committed a mistake in entertaining such a petition with a nebulous prayer, it has not committed any error in dismissing the said application seeking amendment. In addition to the want of necessary particulars of amendment, the very attempt made by the petitioner seems to include a averment regarding evidence to be adduced in support of his claim. The same cannot be permitted and this Court does not find any defect or infirmity in the order passed by the trial Court dismissing the application seeking permission to amend the plaint. There is no merit in the revision petition and the same does not even merit admission.

Accordingly, the Civil Revision Petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

06.04.2016

Index: Yes/No
Internet: Yes/No
gpa

To

III Additional District Judge
Puducherry

P.R.SHIVAKUMAR.J.,

gpa

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