

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.11.2016**

**CORAM
The Hon'ble Mr.Justice K.K.Sasidharan**

**C.R.P.(PD)No.1206 of 2016
and
C.M.P.No.6597 of 2016**

Sornammal

...Petitioner

Vs.

Kala

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 18.08.2015, passed in I.A.No.435 of 2015, in O.S.No.319 of 2010, on the file of the Principal District Munsif Court, Cuddalore.

For Petitioner : Mr.T.Sezhian
For Respondent : Mr.P.Mani

ORDER

The petitioner filed an Application for amendment in I.A.No.435 of 2015, before the Principal District Munsif Court, Cuddalore, to amend the plaint. The Application was dismissed on multiple grounds. The said Order

is under challenge in this Civil Revision Petition.

2. When it is pointed out to the learned counsel appearing on behalf of the petitioner during the course of hearing that, in view of the prayer in the Suit filed originally, seeking recovery of possession in respect of plaint 'B' schedule property, as to how the present prayer for permanent injunction with respect to the property in the plaint 'A' schedule, which is inclusive of 'B' schedule is maintainable, the learned counsel submitted that the petitioner would not press the relief in respect of plaint 'A' schedule property and would file a fresh Application.

3. The learned counsel for the petitioner made an endorsement, indicating that the petitioner is withdrawing the Application in I.A.No.435 of 2015 with liberty to file a fresh application.

4. In view of the endorsement made by the learned counsel for the petitioner, the Application in I.A.No.435 of 2015, is dismissed as withdrawn with liberty to file a fresh Application. In case, any such Application is being filed, the same shall be considered by the learned Principal District Munsif,

Cuddalore, on merits and as per law, without in any way being influenced by any of the observations contained in the Order challenged in this Civil Revision Petition.

5. Since the petitioner has not pressed the Application in I.A.No.435 of 2015, there is no question of adjudicating the factual matrix involved in this Civil Revision Petition.

6. The Civil Revision Petition is disposed of with liberty as indicated above. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

21.11.2016

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Index : Yes/No
Internet ; Yes/No

To

The Principal District Munsif Court,
Cuddalore.

K.K.Sasidharan,J.,

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