

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.1358 of 2016

and

C.M.P.No.7594 of 2016

Thangavelu

... Petitioner

vs.

1.Ramasamy
2.Santhi
3.Ramasamy
4.Subramaniam
Ganapathi (died)
5.Ramasamy
6.Kandiammal @ Danabakkiam
7.Tamilselvi
8.Sundararajan

...Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order of the District Munsif Court, Rasipuram dated 05.11.2015 made in I.A.No.89 of 2014 in O.S.No.129 of 2000.

For Petitioner : Mr.S.Kalyanaraman

ORDER

The plaintiff in the suit is the revision petitioner. After a judgment was pronounced, an appeal came to be preferred against the decree and the appellate court remanded the suit for fresh disposal. Thereafter, the plaintiff filed a petition in I.A.No.89/2014 for amendment of the plaint purporting to furnish the present survey numbers of the suit properties. The learned trial

Judge dismissed the said petition on the ground that the places at which the amendments are to be made have not been clearly stated in the petition and that the particular pages and paragraphs of the plaint do not contain the particulars to which the new survey numbers are sought to be added. It is as against the said order, the present civil revision petition has been filed.

2. Learned counsel for the petitioner, after arguing for a while, prayed for the leave of the court to withdraw the civil revision petition and seeks liberty to file a fresh petition for amendment without mistakes. An endorsement to that effect has been made. Since the amendment petition has been dismissed on technical grounds, this court deems it appropriate to grant the leave sought for.

Accordingly, the endorsement is recorded and the civil revision petition is dismissed. Leave sought for is granted. Such an application shall be filed within a week from the date of reopening of the court after summer vacation. Such an application shall be disposed of within a further period of one week thereafter. However there shall be no order as to cost in the CRP. Consequently, the connected civil miscellaneous petition is closed.

28.04.2016

Index : Yes/No
Internet : Yes/No
asr

To

The District Munsif, Rasipuram

P.R.SHIVAKUMAR, J.
asr/-

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