

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

C.R.P. (PD) No.1541 of 2016

and

C.M.P.No.8365 of 2016

Thangavelu (deceased)

1.Vijayasamundeswari

2.Vasantha

3.Mangaiyarakarasi

4.Vendabai

.... Petitioners

Versus

M.Arumugham

.... Respondent

Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order and decretal order dated 21.07.2015 in I.A. No.391 of 2015 in O.S. No.240 of 2003 on the file of the Additional District Munsif, Vellore.

For Petitioners : Mr.P.Seshadri

ORDER

This revision challenges the order of learned Additional District Munsif, Vellore, passed in I.A. No.391 of 2015 in O.S. No.240 of 2003 on 21.07.2015.

2. Heard learned counsel for petitioners.

3.The plaintiffs have preferred O.S.No.240 of 2003 on the file of learned Additional District Munsif, Vellore, seeking permanent injunction. By way of I.A. No.391 of 2015 in O.S. No.240 of 2003, the respondent/second plaintiff sought amendment of the plaint towards including relief of Sub Division. Such application stands allowed. There against, the present revision has been filed.

4.Learned counsel for petitioners submits that the suit is of the year 2003 and very much earlier, an Advocate Commissioner report has been filed before the Court below and despite the same the respondent had not chosen to seek amendment of the plaint. He had moved the application seeking amendment very belatedly only in the year 2015.

5.In allowing the application, the Court below has reasoned that the amendment of the plaint including a prayer for sub division would not alter the case of the plaintiff. Pre-trial amendment is permissible in law. This Court finds no reason to interfere with the order under challenge.

6.The Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

07.06.2016

vga

To

The Additional District Munsif, Vellore.

C.T.SELVAM, J.

vga

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