

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP(PD)No.2058 of 2016
and C.M.P.No.10694 of 2016

1. K.Dhanalakshmi
2. K.Shanthamani

... Petitioners

Versus

1. M/s.Thyrocare Diagnostics Pvt. Ltd.,
Rep. by its Authorised Signatory
A.K.Nagarajan,
S/o.Krishnan Chettiar,
No.10/7, Mappillai Veetu Santhu
Alandurai, Coimbatore – 641 101.

2. Eriakkal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and final order dated 16.03.2016 made in I.A.No.92 of 2015 in O.S.No.1334 of 2011 on the file of III Additional District Munsif Court, Coimbatore.

For Petitioner : Mr.J.Pothiraj

ORDER

The first respondent initiated a suit in O.S.No.1334 of 2011 before the III Additional District Munsif Court, Coimbatore, for declaration and injunction against the second respondent and the petitioners herein. The suit was opposed by the second respondent and the petitioners herein by filing written statement. Thereafter, the first respondent filed an application in

I.A.No.92 of 2015 seeking amendment of plaint to incorporate certain details. The application was allowed by the learned Trial Judge notwithstanding the opposition made by the petitioners herein. Feeling aggrieved, the petitioners are before this Court.

2. The learned counsel for the petitioners contended that by way of this amendment, the first respondent wanted to change the very cause of action and as such, the Trial Court was not correct in allowing the application. According to the learned counsel, the settlement deed in favour of the petitioners was not challenged by the first respondent and as such, the trial Court was not correct in permitting the amendment.

3. The suit in O.S.No.1334 of 2011 was filed by the first respondent for declaration and injunction. The first respondent in the plaint in O.S.No.1334 of 2011 contended that he has purchased the suit property by way of a registered sale deed dated 28.12.2006. The sale deed was executed by R.G.Rajamani. By way of this amendment to the plaint, the first respondent wanted to incorporate the details as to how R.G.Rajamani purchased the property. According to the first respondent, the second respondent in the present Civil Revision Petition executed a power of attorney in favour of K.Sundaram on 12.03.1998. The power agent executed a sale deed in favour of R.G.Raja Mani on 28.04.2000. Thereafter, the first respondent purchased the property by way of a registered sale deed dated 28.12.2006. There was no attempt on the part of the first respondent to

change the cause of action or to change the nature of suit. It was only to demonstrate the method and the manner in which R.G.Raja Mani purchased the property. I am therefore of the view that the Trial Court was perfectly correct in allowing the amendment. I do not find any error or illegality in the order passed by the learned Trial Judge, warranting interference, by invoking the revisional jurisdiction under Article 227 of the Constitution of India.

4. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

24.10.2016

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To

The III Additional District Munsif Court,
Coimbatore.

K.K.SASIDHARAN, J.

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