

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2241 of 2016 and

CMP.No.11629 of 2016

D.Chinnathambi @ Senthilkumar

...Petitioner

versus

1.R.Kadhir Raj

2.Venkatalakshmi

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the judgment and decree dated 23.03.2016 and made in I.A.No.682 of 2015 in O.S.No.1322 of 2009 on the file of the third Additional District Munsif, Coimbatore.

For Petitioner : Mr.D.Ramamoorthy

For Respondents :Mr.S.Balaji

ORDER

This Civil Revision Petition is directed against the order dated 23.03.2016 in I.A.No.682 of 2015 in O.S.No.1322 of 2009 on the file of the learned third Additional District Munsif, Coimbatore, allowing the application for amendment.

2. The respondents, in a suit for mandatory injunction and permanent injunction, filed an application for amendment of plaint,

after completion of trial. The application was allowed by the learned trial Judge. The order is under challenge in this Civil Revision Petition.

3. The learned counsel for the petitioner contended that the respondents were aware of the details that were proposed to be incorporated in the plaint by way of amendment even earlier and as such, the learned trial Judge was not correct in allowing the application and that too after completion of evidence.

4. The learned counsel for the respondents, on the other hand submitted that by amending the plaint, the petitioner would not be prejudiced inasmuch as only by way of clarification in respect of the measurement of the property, certain details were sought to be incorporated in the plaint.

5. The learned trial Judge allowed the application for amendment on the ground that the cause of action would remain unaltered even after such amendment is made. The learned trial Judge was of the view that only the measurement of the property was sought to be incorporated and that the injustice that would be caused to the petitioner, can be compensated by way of costs.

6. I have perused the plaint and the amendment sought to be made in the plaint. The learned trial Judge was correct in allowing the amendment for the reasons stated in the order. I am therefore of the view that no interference is called for in the order under challenge.

7. The learned counsel appearing for the respondents submitted that the respondents are not requesting the Court below to frame an additional issue or reopening the evidence. The said submission is recorded.

8. The learned trial Judge is directed to carry out the amendment and thereafter hear the arguments of the parties and pronounce judgment as expeditiously as possible.

9. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected MP is closed.

28.09.2016

Index: Yes/No
dn

K.K.SASIDHARAN, J.

(dn)

To

1.The 3rd Additional District Munsif,
Coimbatore.

C.R.P.(P.D.) No.2241 of 2016

28.09.2016