

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

**C.R.P.PD.No.2746 of 2016
and
C.M.P.No.14099 of 2016**

B.N.Sridhar Murthy ... Petitioner

- Vs -

A.Mohamed Ayub Sahib (died)

1. A.Mohamad Ishaq
2. A.Mohamad Salaha
3. A.Mohamed Ismail
4. A.Rizwana Begum
5. A. Rehana Begum
6. A.Mohamed Imthiyaz
- 7.A.Mohamad Hayathuzama
8. A.Mohamad Khalkuzama
9. A.Mohamad Khizar

B.N.Suryanarayaniah(died)

10. B.V.Nanjundiah
11. Leela

12. Padma

13. B.V.Ramnath

14. Shantha

15. Lakshmi

16. B.V.Srinivasa Murthy ... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India against the Fair and Decreetal Order in I.A.No.193 of 2016 in O.S.No.109 of 2000, on the file of District Munsif Cum Judicial Magistrate No.I, Hosur dated 04.04.2016.

For Petitioner	: Mrs.R.Poornima
For Respondents	: Mr.V.Raghavachari

ORDER

This revision challenges the order of the District Munsif Cum Judicial Magistrate No.I, Hosur, made in I.A.No.193 of 2016 in O.S.No.109 of 2000 dated 04.04.2016.

2. By way of I.A.No.193 of 2016 the respondents/plaintiffs have sought to amend the plaint, informing that Natham Patta No.568 is relating to the property in S.No.80/31A.

3. Learned counsel for the petitioner/first defendant submits

that in the earlier round of litigation, this Court refused to interfere with the impugned order, informing as follows:-

"10. In these circumstances, I am of the view that the impugned order passed by the Trial Court does not warrant interference by this Court. Accordingly, the Civil Revision Petition stands dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed. No costs.

11. At this juncture, the learned counsel for the respondents prayed for earlier disposal of the suit stating that the suit is of the year 2000. Considering the submission made by the learned counsel for the respondents, the learned District Munsif, Hosur is directed to dispose of the suit in O.S.No.109 of 2000 within a period of 4 months from the date of receipt of a copy of this order."

4. Learned counsel for the petitioner submits that the effect of allowing the amendment by the Court below would seriously prejudice the defence raised on the defendants' side. Learned counsel further submits that the case is now at the stage of evidence of PW1.

C.T.SELVAM, J

5. Considering the submissions made by learned counsel for the petitioner and also perusing the material papers, this Court is of the view that whether Patta No.568 is relating to S.No.80/31A, can be verified only after examining the witnesses on the side of the plaintiffs. However, in view of the objection raised by the petitioner/1st defendant that there is no co-relation between the patta number and survey number, it is open to him to raise his objections through relevant records before the trial court at the time of evidence. In such view of the matter, there is no error or infirmity in the order of the trial court in allowing the amendment petition.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

01.09.2016

Index:Yes / No
Internet:Yes/No
ssn

To
The District Munsif Cum Judicial Magistrate No.I,
Hosur

**C.R.P.PD.No.2746 of 2016 and
C.M.P.No.14099 of 2016
<http://www.judis.nic.in>**