

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2016

CORAM:

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

CRP (PD) No.296 of 2016
and C.M.P.No.1387 of 2016

1. Muthayee
2. Sundaram
3. Eswaran

... Petitioners/Respondents/
Defendants

Versus

1. Palaniappan
2. Selvambal
3. Ravikumar

... Respondents/Petitioners/
Plaintiffs

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decreetal order dated 08.09.2015 made in I.A.No.94 of 2014 in O.S.No.130 of 2011 on the file of the learned District Munsif Court, Rasipuram, by allowing this Civil Revision Petition.

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.M.L.Ramesh

ORDER

The respondents filed an application, in a suit for declaration and injunction, for amendment, on account of certain subsequent events. The

learned judge allowed the said application. Feeling aggrieved, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The respondents filed a suit in O.S.No.110 of 2011 praying for declaration and injunction with respect to their right of way through a passage. The suit was opposed by the petitioners by filing the written statement.

4. The respondents filed I.A.No.94 of 2014, for amendment of plaint on the ground that subsequent to the registration of civil suit certain extent of property has been sold and as such the same has to be excluded from the suit schedule property.

5. The petitioners are aggrieved by the order passed by the learned Judge permitting amendment.

6. The respondents earlier claimed a declaration with respect to a particular extent of property. It is true that sale was made subsequent to the registration of the civil suit. However the fact remains that the respondents are not in a possession of the entire extent of property which was originally shown in the plaint. I therefore do not find any error or illegality in the order passed by the learned Trial Judge, warranting interference, by invoking revisional jurisdiction under Article 227 of the Constitution of India.

In the upshot, I dismiss this Civil Revision Petition. It is open to the petitioners to file additional written statement, if so advised.

21.09.2016

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To

The District Munsif Court, Rasipuram

K.K.SASIDHARAN, J.

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