

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.394 of 2016

and

C.M.P.No.2101 of 2016

V.Ramkumar

... Petitioner

vs.

P.M.Rangasamy

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order of the Principal District Munsif, Poonamallee dated 02.11.2015 made in I.A.No.1007 of 2014 in O.S.No.215 of 2014.

For Petitioner : Ms.T.Jayalakshmi
for M/s.Paul and Paul

O R D E R

Heard the submissions made by the learned counsel for the petitioner. The petitioner is the plaintiff in the original suit O.S.No.215/2014 pending on the file of the Principal District Munsif, Poonamallee for the relief of permanent injunction on the basis of his averment that the suit property belongs to the petitioner and the respondent herein/defendant is trying to interfere with the same.

2. While resisting the said prayer for permanent injunction on the basis of the plea that the suit property belongs to the respondent herein/defendant, he has made a counter claim for recovery of possession. Instead of filing a written statement to the counter claim made by the respondent herein/defendant, the petitioner herein/plaintiff wanted to amend the pleadings as well as the prayer made in the plaint by filing I.A.No.1007/2014.

3. The learned trial Judge, after hearing both sides, with a clear vision, understood the attempt made by the petitioner herein/plaintiff to be one to pre-empt the respondent herein/defendant in respect of the counter claim by incorporating a plea that he is the bonafide purchaser and he has put up construction, without any objection whatsoever, from the respondent, which defences are to be made as a plea of defence in the written statement to be filed in the counter claim. Accordingly, the learned trial Judge dismissed the petition praying for permission to amend the plaint.

5. The observation made by the trial court that the petitioner herein/plaintiff in the original suit, who faces the counter claim, does have a chance of filing written statement as an answer to the counter claim, shows that the trial court has not committed any error apparent on the

face of the record or failed to exercise the jurisdiction conferred on it. This court cannot find fault with the order passed by the trial court and the revision challenging the said order under Article 227 of the Constitution of India deserves to be dismissed at the threshold.

Accordingly, the civil revision petition is dismissed. However, there shall be no order as to cost. Consequently, the connected miscellaneous petition is closed.

11.02.2016

asr

To

1.The Principal District Munsif, Poonamallee

P.R.SHIVAKUMAR, J.

asr/-

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