

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.732 of 2016

&

C.M.P.No.3754 of 2016

Sivagami

... Petitioner

vs

1.Adhilakshmi

2.Velu

3.State represented by its
District Collector, Thiruvallur
Having office at Collectorate
Thiruvallur

4.The Tahsildar, Ponneri
having office at Taluk Office road
Ponneri-601 204

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India
praying to set aside the order dated 25.08.2015 passed in I.A.No.271 of 2015 in
O.S.No.31 of 2012 on the file of the District Munsif, Ponneri.

For Petitioner : Mr.R.Munuswamy

For Respondents : No Appearance

ORDER

This revision challenges the order of learned District Munsif, Ponneri passed in I.A.No.271 of 2015 in O.S.No.31 of 2012 on 25.08.2015.

2. Petitioner is the plaintiff in the suit. She originally had sought the relief of permanent injunction against interference with her possession of the property. Through the written statement, the defendants denied the petitioner's title to the suit property. Therefore, she has moved a petition to amend the plaint, more particularly, the prayer therein towards seeking relief of declaration of title and consequential injunction. Such application has been dismissed on the reasoning that the application for amendment has been moved two and half years after filing of the written statement. Aggrieved thereby, the present revision stands filed.

3. This Court finds erroneous the reasoning of the Court below in dismissing the amendment application. Amendment has been sought before trial. All amendments as would lead to finality of dispute between parties ought to be permitted and liberally at the pretrial stage, even if the petitioner/plaintiff is found to be delayed in seeking amendment, the respondent could well have been compensated in costs.

4. For the aforesaid reasons, the Civil Revision petition shall stand allowed. The order of the District Munsif, Ponneri passed in I.A.No.271 of 2015 in O.S.No.31 of 2012 on 25.08.2015 shall stand set aside. No costs. Connected miscellaneous petition is closed.

02.06.2016

Index:yes/no
Internet:yes

To
The District Munsif, Ponneri

C.T.SELVAM, J

kpr

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