

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.2942 of 2012

and

M.P.No.1 of 2012

1.A.Murugesan
2.Subramani

... Petitioners

vs.

1.Government of Tamil Nadu
Rep. by its District Collector
Tiruppur

2.The Revenue Divisional Officer
Tiruppur

3.The Tahsildar
Tiruppur

4.R.Venkatachalam
5.Karunaiyammal
6.N.A.Palanisamy
7.N.A.Selvaraj
8.N.A.Velusamy
9.Ayyamuthu

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against fair and final order of the District Munsif, Avinashi dated 09.06.2011 made in I.A.No.1790 of 2010 in O.S.No.263 of 2009

For Petitioners : Mr.A.K.Kumarasamy

For Respondents : Mr.T.Jayaram Raj
Govt. Advocate for R1 to R3
No Appearance for R4, 5, 7 & 8
R6 and R9 given up

ORDER

The plaintiffs in O.S.No.263/2009 pending on the file of the Court of District Munsif, Avinashi are the petitioners in the present civil revision petition. The suit was filed for declaration of their alleged title to the suit property, which is said to be an extent of roughly 6,750 sq.ft. comprised in S.Nos.362/8, 362/9, 362/10 and 362/11 of Naduvancheri Village, Avinashi Taluk. During the pendency of the suit, the petitioners herein/plaintiffs filed an application under Order VI Rule 17 of the Code of Civil Procedure as I.A.No.1790/2010 for amending the plaint. The said application was resisted by the respondents and the trial court, after hearing both sides, dismissed the said application by order dated 09.06.2011. The said order is challenged in the present revision.

2. The petitioners/plaintiffs have not only chosen to expand the scope of the suit by including more sub divisions and also a larger extent, namely 46 cents of land as against 6,750 sq.ft. which was made the suit property as per the original plaint, but also made an attempt to incorporate a pleading as if the defendants 6 to 8 are entitled to only four cents. The same will show the attempt not only to enlarge the scope of the suit by including more properties than the properties which were made the subject matter of the suit, as per the original plaint, but also to include a new averment as if the defendants 6 to 8 were entitled to four cents alone.

3. The learned trial Judge, after hearing both sides, suspected the bonafide of the petition seeking amendment. In addition, the learned trial

Judge also came to the conclusion that the scope of the suit was sought to be enlarged by the proposed amendment, which could not be permitted. This court does not find any defect or infirmity in the said order, capable of being corrected in this revision in exercise of its power of superintendence over the subordinate courts under Article 227 of the Constitution of India. The civil revision petition deserves dismissal.

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

23.03.2016

Index : Yes/No
Internet : Yes
asr

To

The District Munsif, Avinashi

P.R.SHIVAKUMAR, J.

asr/-

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