

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2016

(Orders reserved on 17.12.2015)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

C.R.P.(PD).No.841 of 2013
& M.P.No.1 of 2013

Sadasivam

.. Petitioner

Vs.

Ramasamy

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 19.10.2012 in I.A.No.636 of 2012 in O.S.No.270 of 2010 on the file of the First Additional District Munsif Court, Erode.

For petitioner : Mr.N.Manokaran

For respondent : No appearance

ORDER

This Civil Revision Petition is filed against the order dated 19.10.2012 in I.A.No.636 of 2012 in O.S.No.270 of 2010 passed by the learned First Additional District Munsif, Erode, in and by which, the request of the petitioner/first defendant for amendment of the written statement, was rejected.

2. Learned counsel for the revision petitioner/first defendant contended

that the first defendant filed written statement, in which, there is a mistake in mentioning the Survey Numbers. In paragraph 12 of the written statement, S.No.429/25 has to be mentioned, instead of S.No.423/25; in paragraphs 13 and 14, S.No.429/25 has to be mentioned, instead of S.No.425/25. He further submitted that there is no amendment of any other pleadings, sought for by the petitioner/D1. The error is only typographical error and hence, he prayed that the amendment may be allowed.

3. Though the respondent has been served with notice and his name is also printed in the cause list, there is no representation for the respondent.

4. Heard the learned counsel for the petitioner/first defendant and perused the materials available on record.

5. It is seen that the petitioner/first defendant wanted to amend the Survey Numbers in the respective paragraphs of the written statement, as stated above. There is no other amendment of pleadings, etc., sought for by the revision petitioner/first defendant in the amendment application. It is only typographical error in mentioning the Survey Numbers. Hence, this Court is of the considered view that the impugned order, dismissing the amendment application, is liable to be aside.

6. Accordingly, the impugned order is set aside. The Civil Revision Petition is allowed. The amendment application filed before the trial Court shall stand allowed. The petitioner/first defendant is directed to carry out the amendment in the written statement filed before the trial Court, within a period of

one week from the date of receipt of a copy of this order. No costs. The Miscellaneous Petition is closed.

05-01-2016

Index: Yes/no
Internet: Yes/no

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Copy to

1. The First Additional District Munsif, Erode.
2. The Record Keeper, V.R. Section, High Court, Madras.

G.CHOCKALINGAM,J

CS

Order

in

C.R.P.(PD).No.841 of 2013

05-01-2016