



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2016

CORAM

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1367 of 2016

and

C.M.P (MD) No.6566 of 2016

S.Dawood Batcha

.. Petitioner/Petitioner/
Plaintiff

Vs.

1. Sevagan Chettiar
2. Somasundaram Chettiar
3. Manikavasagam Chettiar
4. Meyyappa Chettiar
5. S.N.M.Ismail
6. S.Mohammed Farook

(Respondents 5 & 6 for themselves &
on behalf of respondent Nos.1 to 4
as their power agent)

.. Respondents/Respondents/
Defendants

PRAYER: Petition is filed under Article 227 of Constitution of India, to call for the records from the learned District Munsif, Thanjavur, in I.A.No.721 of 2015 in O.S.No.355 of 2002 hear the parties and allow this Revision with costs.

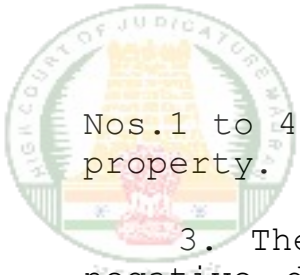
For Petitioner : No appearance.

For Respondents : No appearance.

O R D E R

This Revision is directed against the order passed by the District Munsif Court, Thanjavur in I.A.No.721 of 2015 in O.S.No.355 of 2002.

2. The petitioner filed a suit in O.S.No.355 of 2002 against the respondents for permanent injunction restraining respondent Nos.5 and 6 from registering any document to be executed by respondent Nos.1 to 4 through their Power of Attorney agent C.Nambirajan. After conclusion of the trial, when the suit was posted for filing return submissions of the parties, an application was filed under the provision of Order VI Rule 17 for amendment of the prayer for declaration declaring that respondent



Nos.1 to 4 alone are not entitled to claim any right over the suit property.

3. The Trial Court dismissed the application observing that negative declaration cannot be granted, the prayer would change the natural character of the suit and this application was filed with mala fide intention.

4. In such view of the matter, I do not find any illegality or irregularity in the order impugned in this Revision. In fine, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

The District Munsif Court, Thanjavur.

+1 CC to M/S.T.JAYANTHI RANI, Advocate, SR No.35334

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pmu

SH/PEK:20.07.2016:2P/3C