



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P. (MD) Nos.2343 of 2016 and
C.M.P. (MD) No.10802 of 2016

G.Perumal (died)

1. Daisy

2. Minor Maria Selvam

3. Minor Mariyal

.. Petitioners/Petitioners/
Appellants

Vs.

1. Shanthi

2. Sundaram

.. Respondents/Respondents/Respondents

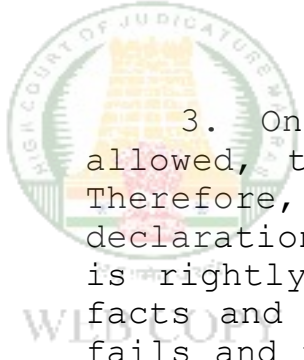
PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.245 of 2014 in A.S.No.105 of 2013 on the file of the Principal Subordinate Judge at Tirunelveli, dated 26.10.2015 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case by allowing this Civil Revision petition.

For Petitioners : Mr.A.D.Ganeshamoorthi

C O M M O N O R D E R

This Civil Revision petition arises out of the order passed by the learned Principal Subordinate Judge, Tirunelveli, in I.A.No.245 of 2014 in A.S.No.105 of 2013, dated 26.10.2015.

2. The petitioner/plaintiff filed a suit in O.S.No.92 of 2006 before the District Munsif Court, Tirunelveli, for permanent injunction. The aforesaid suit was dismissed. Aggrieved by the said Judgment and Decree, the plaintiff preferred an appeal suit before the Subordinate Court, Tirunelveli. In the aforesaid appeal, the plaintiff filed the present application under Order 41 Rule 23 r/w Order VI Rule 16 and 17 and Section 151 of C.P.C., for amendment of plaint in the aforesaid suit. The present application was filed at the appeal stage and the same was dismissed and barred by limitation.



3. On perusal of records, if the present application is allowed, the nature and character of the suit will be changed. Therefore, the present application filed to amend the prayer for declaration at the appeal stage cannot be entertained and the same is rightly dismissed by the Court below. Hence, considering the facts and circumstances of the case, the Civil Revision petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To
The Principal Subordinate Judge,
Tirunelveli.

+1 cc to MR.A.D.GANESHA MOORTHY, Advocate SR.No.69640

C.R.P. (MD) Nos. 2343 of 2016 and
C.M.P. (MD) No. 10802 of 2016
17.11.2016

SMA/CM-MSA/03.03.2017:2P/3C