



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2016

CORAM:

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THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(PD) (MD) .No.320 of 2016 and
CMP(MD) .No.1393 of 2016

1. S. Sukumari
2. A. Seeni

: Revision Petitioners/
Respondents/Defendants

Vs.

Arulmigu Sri Nalla Pichayee,
Sri Nalla Veerappasamy Kovil Natham,
rep. Through its Hereditary,
Administrator N.S. Eswaran

: Respondent/Petitioner/
Plaintiff

Civil Revision Petition is filed under Article 227 of the constitution of India against the fair and decreetal order passed on 05.12.2015 made in I.A.No.94 of 2015 in O.S.No.374 of 2013 on the file of learned Additional Sub Court, Dindigul, Dindigul District.

For Petitioner : Mr. G. Gomathisankar

O R D E R

This Civil Revision Petition is filed against the fair and decreetal order passed in I.A.No.94 of 2015 in O.S.No.374 of 2013 on the file of Additional Sub Court, Dindigul, Dindigul District, dated 05.12.2015.

2. The revision petitioners are the defendants in the suit in O.S.No.374 of 2013. The respondent/plaintiff has filed the above suit for recovery of money. He has also filed an application in I.A.No.94 of 2015 in O.S.No.374 of 2013 for amendment of the plaint, as the mistake has crept in while drafting the plaint in O.S.No.374 of 2013 along with the plaint in O.S.No.376 of 2013, which was drafted on the same day and also the petitioners / defendants in both the suits are one and the same. The petitioners / defendants resisted the same by filing counter and stated that the respondent has filed the application only to fill up the lacuna.



3. The revision petitioners / defendants pointed out the contradiction in their written statement that the respondent is not diligent enough and filed the petition only after 2 ½ years of filing of suit. The amendment sought for will change the 'cause of action' and will introduce new case.

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4. The learned Judge considering all the materials on record allowed the application filed by the respondent. Being aggrieved by that order, the petitioners have come up with this Civil Revision Petition.

5. The learned counsel for the petitioners submitted that the application has been filed after 2 ½ years of filing of suit and the respondent did not take any steps to correct the alleged mistakes in the plaint and now the respondent has filed the amendment petition only to fill up the lacuna.

6. From the records, it is seen that it is the pre trial amendment. The respondent has given valid reason for the amendment. The learned Judge has considered all the materials, records and facts and circumstances of the case and allowed the petition prayed for amendment. Further the learned Judge has exercised his power conferred on him in proper and there is no irregularity or illegality warranting interference by this Court.

7. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

trp

To,

The Additional Subordinate Judge,
Dindigul.

+1CC to Mr.G.Gomathi Shankar Advocate Sr.No.8015

GJM/AN/MP/28.4.16-2p-3c

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