



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.333 of 2016
and
C.M.P(MD) .No.1443 of 2016

1.S.Sukumari
2.A.Seeni

.. Petitioners

Vs.

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

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 05.12.2015 made in I.A.No.93 of 2015 in O.S.No.376 of 2013, on the file of the learned Additional Sub Judge, Dindigul, Dindigul District.

For Petitioners : Mr.G.Gomathi Sankar

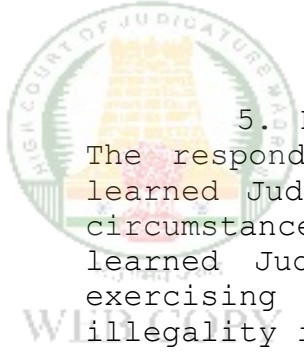
O R D E R

The petitioners are the defendants in the suit in O.S.No.376 of 2013. The respondent/plaintiff has filed the above suit for recovery of money. The respondent/plaintiff has filed an application in I.A.No.93 of 2015 in O.S.No.376 of 2013 for amendment of the plaint, as the mistake has crept in while drafting the plaint in O.S.No.376 of 2013 along with the plaint in O.S.No.374 of 2013, which was drafted on the same day. The petitioners are defendants in both the suits. The petitioners resisted the same by filing counter and stated that the respondent has filed the application only to fill up the lacuna.

2. The petitioners/defendants pointed out the contradiction in their written statement. The respondent is not diligent enough and filed the petition for amendment after 2 ½ years and the amendment will change the 'cause of action'.

3. 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.

4. The learned counsel for the petitioners submitted that the application has been filed after 2½ years only to fill up the lacuna. The amendment changes cause of action and prayed for allowing this Civil Revision Petition.



5. From the records, it is seen that it is pre-trial amendment. The respondent has given valid reason for the amendment petition. The learned Judge has considered all the materials on record and facts and circumstances of the case and allowed the petition for amendment. The learned Judge has given proper reason for allowing the petition by exercising the power conferred on him. There is no irregularity or illegality in the said order warranting interference by this Court.

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

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Additional Subordinate Judge, Dindigul,
Dindigul District.

+1 CC to M/s.S.GOMATHI SANKAR, Advocate, SR No.7622

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