



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2016

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) .No.336 of 2016 (PD)

and

C.M.P. (MD) .No.1453 of 2016

Y.Annapushpam

... Petitioner/Respondent
Defendant

Vs.

Joseph

... Respondent/ Petitioner
Plaintiff

Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order passed in I.A.No.418 of 2015 in O.S.No.51 of 2013 dated 24.11.2015 on the file of the Principal District Munsif cum Judicial Magistrate, Nanguneri.

For Petitioner

:Mr.H.Arumugam

ORDER

The petitioner is the defendant. The respondent has filed a suit in O.S.No.51 of 2013 for declaration and injunction. When it is posted for trial, the respondent filed I.A for amendment of the plaint with regard to the boundaries of the suit property on the ground that the names of the adjacent owners were given as per local name instead of the names mentioned in the documents.

2.The respondent filed a counter and resisted the same stating that the petitioner has stated in the written statement that boundaries are wrongly mentioned. The respondent was not diligent enough to file a petition for amendment immediately.

3.The learned Judge, considering all the materials on record and also facts and circumstances of the case, allowed the petition for amendment. Against which, the petitioner has filed the present civil revision petition.

4.The learned counsel appearing for the petitioner contended that the respondent was not diligent enough in filing the petition for amendment and after the commencement of the trial, the said I.A was filed, which is a belated one. Even though the petitioner has stated in the written statement that the boundaries given by the respondent is wrong, the respondent has not given correct boundaries as per the documents and filed petition immediately.



5. Heard Mr.H.Arumugam, learned counsel appearing for the petitioner and I have carefully perused the entire materials on record.

6. From the materials it is seen that the respondent has filed a petition for amending the names of the adjacent owners. According to the respondent he has mentioned their local names instead of names mentioned in the documents. He has not mentioned existence of Pond as one of the boundaries. The amendment sought for by the respondent, does not change the nature of the suit and not introduce any new cause of action. The learned Judge has allowed the application to give an opportunity to the respondent to prove his case on merits. There is no illegality and irregularity in the said order, warranting interference by this Court.

7. In the result, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

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To
The Principal District Munsif
Cum Judicial Magistrate,
Nanguneri.

+1cc to Mr.H.Arumugam, Advocate SR.No.8503

CN/JGB-DP/9.03.2016/2P-3C

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