



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2016

CORAM:

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THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(PD) (MD).No.428 of 2016 and CMP(MD).No.1848 of 2016

Govindasamy : Revision Petitioner / Plaintiff

Vs.

1. Chinnathambi

2. Velusamy

3. Rengasamy

: Respondents/Defendants

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 4.12.2015 made in I.A.No.1030 of 2015 in O.S.No.456 of 2004 on the file of the learned District Munsif, Pudukottai.

For Petitioner : Mr. R.P. Ramachanthiran

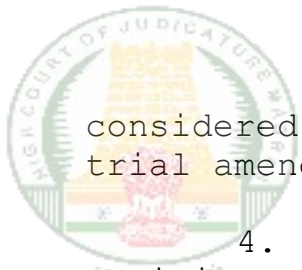
ORDER

The Civil Revision Petition is filed against the fair and decreetal order, dated 4.12.2015 made in I.A.No.1030 of 2015 in O.S.No.456 of 2004 on the file of the learned District Munsif, Pudukottai.

2. The revision petitioner is the plaintiff. The respondents are the defendants.

2. The revision petitioner filed a suit in O.S.No.456 of 2004 for recovery of possession. The respondents are contesting the suit. The revision petitioner filed I.A.No.1030 of 2015 for amendment, with regard to description of property and to include the prayer for declaration of title. The respondent resisted the same. The learned Judge considering the facts and circumstances allowed the application with regard to description of property and dismissed the application with regard to include the prayer for declaration of title. Against that order, the present revision is filed.

3. The learned counsel appearing for the revision petitioner contended that the learned Judge failed to see that the petitioner has paid Court fee for declaration of title and possession and he failed to include the prayer for declaration of title. The dismissal of earlier application for default will not be res-judicata for the present application being



considered on merits. Further, the amendment sought for is pre-trial amendment.

4. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

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5. From the materials available on record it is seen that on earlier occasion the petitioner filed I.A.No.185 of 2005 for amendment claiming very same relief and the same was dismissed on 22.08.2005. The petitioner did not take any steps for further proceedings against the dismissal of I.A.No.185 of 2005 and he has also not mentioned the earlier application filed by him, which was dismissed for default. Further the petitioner has not explained the reason for non filing of amendment petition for the past 10 years.

6. The learned Judge considered all the materials on record in proper perspective and has given valid and cogent reasons for dismissing the Interlocutory Application. Further the learned Judge has exercised his power conferred on him properly and there is no irregularity or illegality warranting interference by this Court.

7. In the result, the Civil revision petition is dismissed confirming the impugned order dated 4.12.2015 made in I.A.No.1030 of 2015 in O.S.No.456 of 2004 on the file of the learned District Munsif, Pudukottai. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To
1 The District Munsif, Pudukottai.

2.The Section Officer, V.R Section,
Madurai Bench of Madras High Court
Madurai.

CN/SKN-SK/18.03.2016/2P-3C

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