

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2017

CORAM:

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD)No.1160 of 2017
and C.M.P.No.5533 of 2017

1. Malathy
2. S.Karthick Narayanan
3. S.Latha
4. S.Subha
5. S.Uma

.. Petitioners

Vs

1. R.M.Seralathan
2. K.P.Jayaseelan

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal orders of the learned District Munsif and Judicial Magistrate of Pochampalli, dated 05.12.2016 in I.A.No.363 of 2016 in O.S.No.74 of 2014.

For Petitioners : Mr.J.Hariharan
for Mr.V.Nicholas

ORDER

Challenging the order passed in I.A.No.363 of 2016 in O.S.No.74 of 2014 on the file of District Munsif-cum-Judicial Magistrate, Pochampalli, the

plaintiffs have filed the above Civil Revision Petition.

2. The plaintiffs filed the suit in O.S.No.74 of 2014 for declaration and permanent injunction. The defendants filed their written statement and are contesting the suit. In the said suit the plaintiffs took out an application in I.A.No.172 of 2015 under order VI Rule 17 of C.P.C to amend the plaint.

3. The Trial Court allowed the application. Thereafter, the plaintiffs filed an application in I.A.No.363 of 2016 in O.S.No.74 of 2014 to proceed with the suit without amending the plaint.

4. It is brought to the notice of this Court that the plaintiffs have not amended the plaint so far. In these circumstances, the plaintiffs have filed the above Civil Revision Petition.

5. The learned counsel appearing for the petitioner submitted that since the plaintiffs have not amended the plaint so far, pursuant to the order passed in I.A.No.172 of 2015 the plaintiffs may permitted to proceed with the suit without amending the plaint.

6. As already stated, since the plaintiffs have not amended the plaint, there is no necessity for filing the present application seeking permission to proceed with the suit without amending the plaint.

7. The learned counsel for the petitioner sought permission of this Court to withdraw the Civil Revision Petition and also made an endorsement to that

effect and requested this Court to give a direction to the trial Court to proceed with the suit in O.S.No.74 of 2014.

8. In view of the submission, made by the learned counsel for the petitioner, the Civil Revision Petition stands dismissed as withdrawn.

9. The Learned District Munsif-cum-Judicial Magistrate, Pochampalli is directed to proceed with the suit in O.S.No.74 of 2014 with the original pleadings available before the trial Court.

No costs. Consequently, connected Miscellaneous Petition is closed.

27.03.2017

Index : No
Internet:Yes
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To

The District Munsif-cum-Judicial Magistrate,
Pochampalli.

M.DURAI SWAMY,J

rna

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