

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.127 of 2014 &

M.P.No.1 of 2014

V.Chandran

... Petitioner

v.

Parthasarathy (died)
Anandhammal (died)

1.R.Balaji

2.P.Vijayakumar

3.Logeswari

4.P.Kali @ Ramesh Kumar

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 13..09.2013 made in I.A. No.331 of 2012 in I.A.No.1024 of 2011 in O.S. No.2689 of 1997 on the file of Principal District Munsif Court at Alandur.

For Petitioner : Mr.T.Thiyagarajan

For Respondents : Mr.K.N.Nataraj

ORDER

Challenging the fair and final order passed in I.A. No.331 of 2012 in I.A.No.1024 of 2011 in O.S. No.2689 of 1997 on the file of Principal District Munsif Court, Alandur, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S. No.2689 of 1997 for permanent injunction. The defendants filed their written statement and are contesting the suit.

3. Thereafter, the plaintiff filed an application in I.A.No.1024 of 2011 seeking for amendment of the plaint by incorporating the relief of declaration and mandatory injunction directing the defendants to remove the superstructures made in the suit property and to handover the possession of the suit property to the plaintiff. The defendants filed their counter and are contesting the application. Thereafter, the plaintiff filed another application in I.A.No.331 of 2012 seeking for amendment of the plaint by amending the memo of valuation. In this application also, the defendants filed their counter and opposed the application.

4. In the affidavit filed in support of the application in I.A.No.331 of 2012, the plaintiff has stated that during the pendency of the suit, the defendants have encroached the property and had claimed to be in possession of the suit property.

5. Originally, the suit was filed for bare injunction. Now, the plaintiff has stated that the defendants have encroached the suit property and are in possession of the same. In the proposed amendment, the plaintiff has not mentioned the date on which the defendants have encroached the property and dispossessed the plaintiff. The suit was filed in the year 1997 and the same is pending for nearly 20 years. Since the proposed amendment did not divulge details as to the alleged dispossession and encroachment made by the defendants, the Trial Court, has rightly dismissed the application.

6. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. Since the suit is pending from 1997, I direct the Principal District Munsif Court, Alandur to dispose of the suit in O.S.

No.2689 of 1997, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2017

Index : Yes/No

Rj

To

The Principal District Munsif Court,
Alandur

M. DURAISWAMY,J.,

C.R.P.(PD)No.127 of 2014 &
M.P.No.1 of 2014

14.03.2017

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