

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1874 of 2017
& C.M.P.No.8996 of 2017

1. Balu @ Chinnasamy,
2. Mrs. Jayalakshmi

.. Petitioners

Vs.

D.C.Elangovan
Respondent

..

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 28.03.2016 made in I.A.No.141 of 2016 in O.S.No.152 of 2012 on the file of the learned District Munsif, Dharampuri.

For Petitioners : Mr.P.Ravishankar Rao
for Mr.B.Kumarasamy

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 28.03.2016 made in I.A.No.141 of 2016 in O.S.No.152 of 2012 on the file of the learned District Munsif,

Dharampuri.

2. Heard the learned counsel for the petitioners and perused the materials available on record.

3. The petitioners are the defendants and respondent is the plaintiff in the suit. The respondent filed suit for permanent injunction restraining the petitioners and their men from in any way interfering with the respondent's peaceful possession and enjoyment of the suit properties. The petitioners filed written statement on 24.8.2012 and are contesting the suit.

4. After framing issues, the trial was commenced and the respondent was examined as P.W.1 and posted for further evidence of respondent. At that stage, the respondent filed I.A.No.141 of 2016 under Order VI Rule 17 of Civil Procedure Code for amendment of short and long cause title showing the name of the school as **"Sri Vijay Vidyalaya Matriculation School rep. By its Correspondent"** instead of **"Correspondent of Sri Vijay Vidyalaya Matriculation School."**

5. According to the respondent, the property belongs to the

school, the school must be shown as plaintiff. The petitioners opposed the same on the ground that after commencement of the trial, application for amendment is not maintainable.

6. The learned counsel for the petitioners cross examined P.W.1, as he filed suit in his individual capacity. If amendment is ordered, P.W.1 has to be recalled and he has to further cross examine P.W.1.

7. The learned Judge considering the averments made in the affidavit, counter affidavit, materials available on record allowed the application holding that by such amendment, no new cause of action or new case has been introduced by the respondent. The learned Judge taking note of the fact that application was filed after commencement of the trial, compensated the petitioners by awarding a sum of Rs.1,000/- as cost to be paid by the respondent on or before 30.03.2016.

8. A reading of the impugned order shows that there is no error or illegality warranting interference by this Court with the order passed by the court below.

V.M.VELUMANI, J.

av/ ssd

9. In the result, this Civil Revision Petition is dismissed.
No costs. Consequently, connected miscellaneous petition is
closed.

14.06.2017
Speaking Order/Non-speaking Order
Index :Yes/No
av / ssd

To

The learned District Munsif,
Dharampuri.

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