

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.04.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.1947 of 2014

N.Pottiyammal ... petitioner

versus

1.N.Balu Naicker

2.The Sub Registrar,
office of Sub Registrar,
Avadi, Chennai

3.C.Sasi

4.M.Anandakumar ... Respondents

PRAYER: Revision filed against the order dated 3.8.2013, in I.A.No.594 of 2013 in O.S.No.122 of 2007 on the file of the Additional District Munsif, Poonamallee.

For petitioner :: Mr.A.M.Krishnamoorthy

For respondents :: Mr.P.Sivamani

ORDER

This civil revision petition is directed against the order dated 3 August 2013 in I.A.No.594 of 2013 permitting the first respondent to amend the plaint.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. The first respondent filed the suit in O.S.No.122 of 2007 for permanent injunction. During the currency of the civil suit, the first respondent sold the property to respondents 3 and 4. The first respondent therefore filed application to implead the subsequent purchasers as party to the suit. The application was allowed. The first respondent thereafter filed I.A.No.1298 of 2012 to carryout the amendment relating to impleading of the parties. The said application was allowed. Thereafter, the petitioner filed another application in I.A.No.594 of 2013 for amendment of the plaint.

4. The learned Trial Judge allowed the said application on the ground that the earlier application was not for the amendment of the plaint and as such, there is no bar for entertaining the subsequent application. The order is under challenge at the instance of the first defendant in O.S.No.122 of 2007.

5. The order passed by the learned Additional District Munsif, Ponnamallee, in I.A.No.594 of 2013 does not contain any indication that the prayer earlier was to amend the plaint and that the request was negatived. The earlier application in I.A.No.1298 of 2012 was only for the

purpose of carrying out the amendment consequent to the order allowing impleading of the parties. The Trial Court was therefore perfectly correct in observing that the subsequent application is legally maintainable. I do not find any error or illegality in the said order, warranting interference by invoking the jurisdiction under Article 227 of the Constitution of India.

6. The suit is of the year 2007. The learned Additional District Munsif, Poonamallee, is directed to dispose of the civil suit as expeditiously as possible and in any case, within a period of four months from the date of receipt of a copy of this order.

7. The civil revision petition is disposed of with the above direction. No costs. Consequently, M.P.No.1 of 2014 is closed.

17.04.2017

Index:Yes/no
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To
The Additional District Munsif, Poonamallee

K.K.SASIDHARAN, J.

(tar)

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