

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 16.08.2017****Coram****THE HON'BLE MR.JUSTICE M.GOVINDARAJ****C.R.P.(PD) No.2829 of 2017
and C.M.P. No.13342 of 2017**

Jeevagan

... Petitioner

Vs.

Shanmugam

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India and set aside the order passed of the Learned Principal District Munsif Court, Vandavasi, Thiruvannamalai District passed in I.A.No.58 of 2017 in O.S.No.16 of 2011 dated 05.04.2017.

For Petitioner : Mr.V.R.Appaswamee

ORDER

The Civil Revision Petition is directed against the rejection of application for amendment.

2. According to the revision petitioner, he has marked a document Ex.A3 - mortgage deed, during trial. However, he has wrongly mentioned it as legal notice dated 20.01.2011,

whereas the document marked was a mortgage deed dated 29.07.2003. The revision petitioner seeks to correct the mistake by deleting the word "legal notice" and to amend the same as "mortgage deed".

3. The Trial Court has found that during chief examination, Ex.B3 was marked as legal notice dated 20.01.2011. But however, what was available in the records is only a mortgage deed dated 29.07.2003. Based on Ex.A3 - mortgage deed, the defendant / respondent herein made effective cross examination and the mistake was taken notice of by parties concerned. Since the cross examination has already been over and it was made on the basis of the mortgage deed, the amendment sought for at this stage was considered to be unnecessary by the Trial Court. The Trial Court has also found that the change of name will not alter the course of judgment, but will protract the proceedings. With the above observations, the application was dismissed.

4. When a clear observation is made by the Trial Court that the document marked as Ex.A3 is only a mortgage deed, by amending the nomenclature, the petitioner is not going to achieve any purpose. The order of the Trial Court does not require any interference. However, in the interest of justice, a direction is given to the Trial Court to refer Ex.A3 as mortgage deed, while pronouncing judgment.

5. With above observation, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

16.08.2017

Index : Yes/no
Internet : Yes/No
bsm/tk

To

The Principal District Munsif Court
Vandavasai,
Thiruvannamalai District.

M.GOVINDARAJ, J.



C.R.P.(PD) NO.2829 OF 2017

WEB COPY

16.08.2017