

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.3304 of 2017
and C.M.P.No.15438 of 2017

R.Thiruvengadam ... Petitioner

Vs.

1. Rengasamy
2. Ushapathi
3. Thilagavathi
4. R.Sugandhi ... Respondents

(Since the respondents 2 to 4 were remained
ex parte in the Court below notice may be
dispensed with for them)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.112 of 2017 in O.S.No.56 of 2013 dated 18.07.2017 on the file of the Court of Additional Subordinate Judge, Mayiladuthurai.

For Petitioner : Mr.A.Muthukumar

ORDER

This Civil Revision Petition is directed against the order
allowing amendment to the plaint. The amendment sought for is to

change the survey number of 2nd item to the 2nd schedule of the property from 160/1 to 163/1, which has crept in due to typographical error and also for inclusion of electric motor and shed within the property. Pursuant to the amendment, value of the property has to be suitably modified and appropriate court fee to be paid

2. The case of the petitioner is that the plaintiffs/respondents herein have not chosen to file a petition seeking amendment before commencement of trial and, therefore, the intention of the plaintiffs/respondents herein is to protract the proceedings before the trial Court and hence, the amendment ought not to have been allowed.

3. From a perusal of the pleadings and the order passed by the trial Court, this Court finds that the amendment sought for does not change the nature of the suit.

4. I do not find the amendment sought for changes the nature of the suit. The trial Court has rightly decided to permit the respondents/plaintiffs to carry out the amendment. There is no error or

infirmity in allowing the application I.A.No.112 of 2017 in O.S.No.56 of 2013.

4. Accordingly, this Civil Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

19.09.2017

asi

To

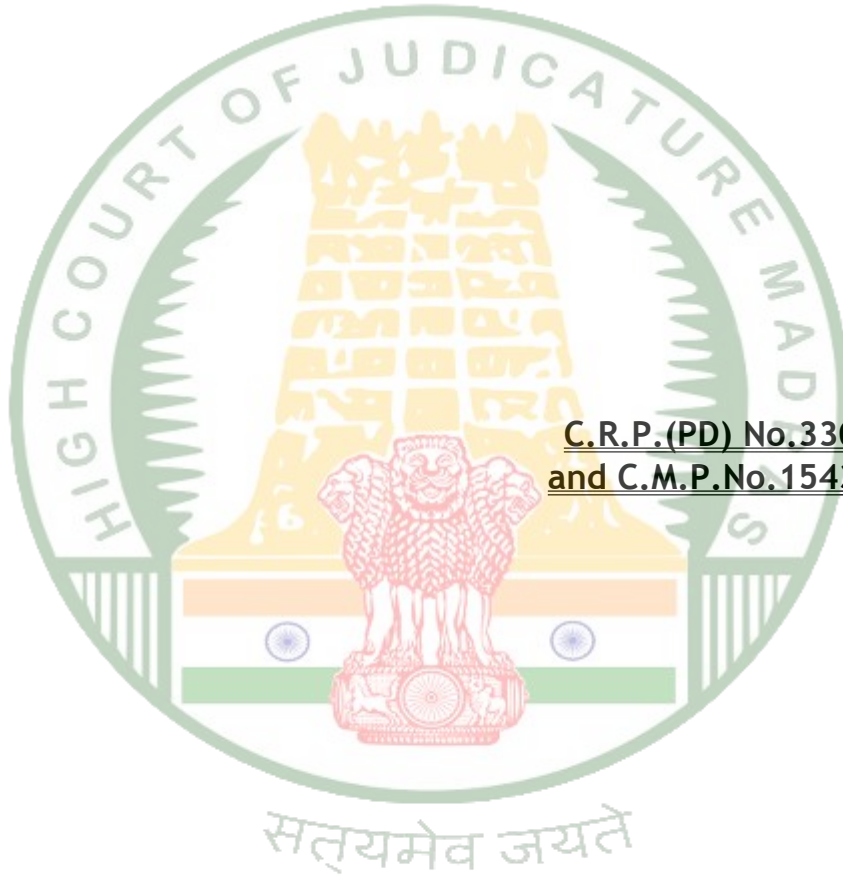
The Additional Subordinate Judge, Mayiladuthurai.



WEB COPY

M. GOVINDARAJ, J.

asi



C.R.P.(PD) No.3304 of 2017
and C.M.P.No.15438 of 2017

WEB COPY

19.09.2017