

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 3788 of 2017
and
C.M.P.No.17640 of 2017

R. Senthil

.. Petitioner

Vs

1. Nallammal
2. Natesan
3. Ganesan
4. Santha

5. Selvi

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 24.08.2017 made in I.A.No.355 of 2017 in O.S.No.169 of 2011 on the file of the learned Sub Court, Tiruchengode.

For Petitioner

: Mr. N.Manokaran

ORDER

This revision arises against the the fair and decreetal order dated 24.08.2017 made in I.A.No.355 of 2017 in O.S.No.169 of 2011 on the file of the learned Sub Court, Tiruchengode.

2. The petitioner has filed the suit in O.S. No. 169 of 2011 before the Sub Court, Tiruchengode praying for the relief of specific performance against the respondents. Subsequently, the petitioner filed an I.A. No. 355 of 2017 to amend the plaint. The said application was partly allowed by the court below on 24.08.2017, except the authorities mentioned in the amendment petition, all other amendment was allowed on payment of cost. Hence, challenging the said portion of the order, the present revision petition has been filed by the petitioner.

3. According to the learned counsel for the petitioner, eventhough the 2nd respondent has not signed, the sale agreement entered by the other defendants are valid in law. By rejecting the aforesaid amendment, portion of the order, is liable to be set aside.

4. It is seen that the trial court after hearing the arguments of the parties and on perusal of the records, while rejecting the said portion of the order, held that the decision relied on by the petitioner will be considered at the time of trial, in the main suit. Hence, the amendment in the pleadings of the plaintiff, in so far as the above portion of the order, as stated by the petitioner has been rightly rejected by the court below. Therefore, there is no error or illegality in the order passed by the court below.

5. Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

23.10.2017

Index : Yes/ No

Speaking order/ Non speaking order

avr

To

The Sub Court,
Tiruchengode.

D. KRISHNAKUMAR J.,

avr



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