

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.491 of 2017

and

C.M.P.No.2449 of 2017

R.Chidambaram

.. Petitioner

Vs.

1. R.Jayamurthy

2. Shanthi

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order, dated 23.12.2016 made in I.A.No.1270 of 2016 in O.S.No.533 of 2014 on the file of the Principal District Munsif Court, Erode.

For petitioner : Mr.N.Manokaran

For respondents : Mr.V.Regunathan

ORDER

The plaintiff is the revision petitioner. The suit is filed for injunction restraining the defendants from disturbing the plaintiff's possession of the suit property. During the course of trial, it was brought to the knowledge of the plaintiff that in S.Nos.693/2 and 693/4, there was acquisition and therefore, the plaintiff has filed an application for amendment of the description of the suit property to exclude and delete a portion of the

property which was acquired by the Government. In view of the acquisition by the Government against the owner of the property, so far as the said portion is concerned, the suit is not maintainable and hence, the plaintiff has sought for deletion of the acquired land from the suit schedule property. By deleting the portion which has been acquired by the Government, the nature and scheme of the suit will not be altered. By deleting the same, no prejudice also would be caused to the defendants, as the amendment sought for is only clarificatory in nature and it would be helpful to both the parties to the suit. Allowing the amendment to delete the portion of the property, will not require further evidence also, as the acquisition is only by the Government. The petitioner states that if the amendment is allowed to delete the said portion, for which the Government has become the owner, the entire relief may not be altered. Considering the above facts, after hearing both sides, this Court is of the view that the amendment has to be allowed. Accordingly, the impugned order is set aside. I.A.No.1270 of 2016 in O.S.No.533 of 2014 shall stand allowed. No further evidence or pleadings is permitted. The Civil Revision Petition is allowed accordingly. No costs. C.M.P. is closed.

15.02.2017

Copy to
The Principal District Munsif, Erode.

PUSHPA SATHYANARAYANA, J

CS

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