

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.931 of 2017
and C.M.P.No.4594 of 2017

Arulmigu Thirumeneeswarar Temple
rep by Managing Hereditary Trustee
K.Shanmugavel
having Office at
Agastheeswarar Temple, Pozichalur,
Chennai - 600 074.

... Petitioner

Vs.

1.G.Chellappa

2.R.C.Srinivasan

3.R.Pattu

4.The Sub Registrar,
Registration Department,
Pammal, Chennai.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.01.2017 made in I.A.No.1170 of 2016 in O.S.No.1239 of 1997 on the file of the Principal District Munsif Court, Alandur, Chennai.

For Petitioner : Mr.Ilanthiraiyan
for M/s.Sai Bharath and Ilan

ORDER

Challenging the fair and final order passed in I.A.No.1170 of 2016 in O.S.No.1239 of 1997 on the file of the Principal District Munsif Court, Alandur, Chennai, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.1239 of 1997 for permanent injunction. The defendants filed their written statement and are contesting the suit.

3.After the completion of the trial, when the suit was posted for arguments, the plaintiff filed an application in I.A.No.1170 of 2016 under Order 6 Rule 17 of the Civil Procedure Code seeking for amendment of the plaint. The application filed by the plaintiff was opposed by the defendants stating that the same has been filed at a belated stage. The trial Court, taking into consideration the case of both parties, dismissed the petition finding that the suit was filed in the year 1997 and after nearly 20 years, the plaintiff has come forward to amend the plaint.

4.It is settled position that unless the party seeking for amendment of the plaint gives sufficient cause for not filing the application to amend the plaint at the earliest point of time, the application cannot be allowed. In

the case on hand, though the suit is pending for nearly 20 years, the plaintiff has not taken steps to amend the plaint all these years.

5.The learned counsel appearing for the petitioner submitted that the present plaintiff was substituted in the place of the original plaintiff only on 07.02.2014.

6.Even assuming that the present plaintiff was substituted in the year 2014, they took another three years to file the present application seeking for amendment of the plaint. The trial Court, taking into consideration all these aspects, rightly dismissed the petition finding that the application is filed at a belated stage, that too, when the suit was posted for arguments.

7.In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes

14.03.2017

va

M.DURAIWAMY,J.
va

To

The Principal District Munsif Court,
Alandur, Chennai.

**C.R.P.(PD).No.931 of 2017
and C.M.P.No.4594 of 2017**

14.03.2017

