

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.06.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(N.P.D.) No. 2659 of 2012
and M.P.No.1 of 2012

Janarthanan

...Petitioner

Vs

1.Govindarajulu
2.Baskaran
3.Thayalan
4.Manickam
5.Arjunan
6.Kumaraguru
7.Tharmalingam
8.Manohar
9.R.Kasturi
10.S.Kasturi
11.K.Murugan
12.Gajavalli
13.Maniammal

...Respondents

Prayer:- Civil Revision Petition filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 25.02.2011 passed in I.A.No.8 of 2011 in O.S.No.74 of 1985 on the file of the I Additional Sub Court, Cuddalore.

For Petitioner : Mr.T.Sezhian
For Respondents : Mr.N.Suresh, (for R1)

ORDER

The first respondent filed application in I.A.No.8 of 2011 in I.A.No.552

of 2008 before the I Additional Subordinate Court, Cuddalore to amend the description with regard to item No.26 in O.S.No.74 of 1985. The application was allowed by the learned Subordinate Judge notwithstanding the objection made by the petitioner that the amendment was earlier made by the High Court in A.S.No.656 of 1987. The said order is under challenge in this civil revision petition.

2. Heard the learned counsel for the petitioner. I have also heard the learned counsel for the first respondent.

3. The first respondent filed application in I.A.No.8 of 2011 requesting the trial Court to amend the extent of property in item no.26. The petitioner wanted to amend the extent as 50 cents instead of 3.50 acres. The amendment was allowed by the trial Court.

4. The documents available on record indicate that a first appeal was filed before this Court with respect to the very same property in A.S.No.656 of 1987. Before this Court, the parties filed CMP No.9625 of 1990 to amend the extent of property in item no.26. The said application was allowed by this Court by order dated 30.04.1991. The order has become final.

5. There is no question of permitting amendment of the extent by the Subordinate Court in view of the order passed by this Court on 30.04.1991.

The learned trial Judge exceeded his jurisdiction by directing amendment, notwithstanding the order passed by the High Court. I am therefore, of the view that the impugned order is liable to be set aside.

6. In the result, the order dated 25 February 2011 is set aside. The application in I.A.No.8 of 2011 is dismissed.

The civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

09.06.2017

Gms

To

I Additional Sub Court, Cuddalore.

K.K.SASIDHARAN,J.

gms

2012 **C.R.P.(N.P.D.) No. 2659 of**

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