

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).No.1368 of 2018 and

C.M.P.No.7362 of 2018

Ibrahim Ameenuddin

... Petitioner

Vs.

1. K.Periaswamy

2. Mohana

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order passed by the Additional District Munsif, Alandur in I.A.No.757 of 2017 in O.S.No.292 of 2014 dated 26.02.2018 and allow the C.R.P.

For Petitioner : Mr.K.Govi Ganesan

ORDER

The relief sought for in this revision is to set aside the fair and decreetal order made in I.A.No.757 of 2017 in O.S.No.292 of 2014 dated 26.02.2018 on the file of Additional District Munsif, Alandur.

2. The revision petitioner filed the suit in O.S.No.292 of 2014 on the file

of the learned Additional District Munsif, Alandur seeking relief for declaration and injunction.

3. Subsequently, he has filed an application under Order VI Rule 17 r/w Section 151 of CPC in I.A.No.757 of 2017 in O.S.No.292 of 2014 for amending the plaint. After giving opportunity to produce evidence, the Trial Court dismissed the application in I.A.No.757 of 2017 in O.S.No.292 of 2014.

4. Aggrieved against the said order passed by the trial Court dated 26.02.2018, the revision petitioner is before this Court by way of this Revision.

5. According to the revision petitioner/plaintiff, he purchased the property by the sale deed dated 04.01.2012, which was registered as doc.No. 85 of 2012. In that Sale Deed the extent admeasuring on east to west on the northern and southern sides were mentioned as 40 feet and 60 feet. Subsequently, the plaintiff came to understand that the document number mentioned was 85 of 2012 instead of 55 of 2012 in para No.16 at page no.6 of the schedule of property and also instead of measuring 60 feet for the east to west it was mentioned as 40 feet.

6. Heard learned counsel for the petitioner, perused the records filed and the order passed by the trial court.

7. The trial Court dismissed the petition on the ground that the amendment sought for is without any documentary proof.

8. The learned counsel referred to the document number annexed in the typed set of sale deed dated 29.03.2012 wherein page no. 26 wherein no document number as stated by the revision petitioner, was mentioned, i.e., neither 55 nor 85, and even in the sale deed mentioned as para 16 only on 04.01.2012 whereas the document referred to by the counsel for the respondent was executed only on 29.03.2012. The trial Court rightly dismissed the Interlocutory Application filed by the petitioner for want of proof.

9. Therefore, this Court does not find any illegality or irregularity in the order passed by the trial Court in I.A.No.757 of 2017 in O.S.No.292 of 2014 and there is no merits in the case.

P.VELMURUGAN, J.,

vum

10. In the result, the Revision petition is dismissed. Consequently, the connected Miscellaneous petition is closed. No costs.

13.04.2018

Index:Yes/No

Speaking order / Non speaking order

vum

To

1. The Additional District Munsif,
Alandur



C.R.P.(PD).No.1368 of 2018

& C.M.P.No.7362 of 2018

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