

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2018

Coram:

The Honourable Ms.Justice P.T.ASHA

C.R.P(PD).No.3020 of 2012

and

CMP.No.18313 of 2018

1. Rathinasamy Padayachi
2. Jayalakshmi Ammal

...Petitioners

Versus

1. Arunachala Padayachi
2. D.Rajakumari
3. U.Vimala

...Respondents

PRAYER: This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code praying to set aside the order of the learned District Munsif-Cum-Judicial Magistrate, Neyveli dismissing I.A.425/2011 in O.S.226/2006 by order dated 28.01.2012.

For Petitioners :

Mrs.Grahalakshmi
for Mr.R.Gururaj

For Respondents :

Not ready in Notice for R1
No Appearance for R2 & R3

ORDER

The above Civil Revision Petition is filed challenging the order dated 28.01.2012 passed by the learned District Munsif-Cum-Judicial

Magistrate, Neyveli in I.A.425/2011 in O.S.226/2006 refusing to grant the amendment.

2.Unfortunately, in the petition that has been filed into this Court, the first document is titled as "the amended plaint copy," where there is a heading given "amended as per Order in I.A.No. 5 of 2011 dated 27.01.2011," it is seen from the records that the amendment sought for was dismissed by the Court below.

3. Despite the order dismissing the amendment application, the plaint copy that has been filed before this Court indicates that the amendment was allowed on 27.01.2011, which amounts to misleading this Court and such a conduct cannot be encouraged by this Court. Further, the amendment that is sought for is the relief of easement in a suit for partition.

4. In the result, the Civil Revision petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

29.10.2018

vkx/kmm

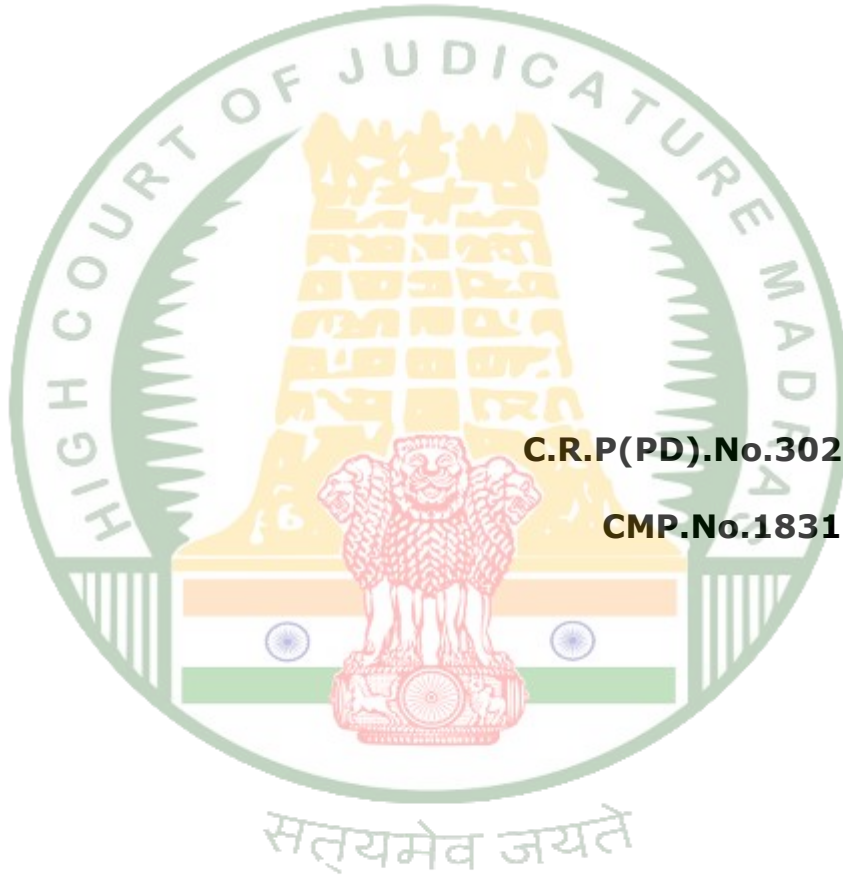
Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

P.T.ASHA, J.,

vkr/kmm



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