

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.714 of 2018
and CMP.No.3692 of 2018

P.S.Palanisamy

.. Petitioner

Vs

Ganesan

.. Respondent

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India seeking to set-aside the fair and final order of the learned District Munsif, Kangayam made in IA.No.1270 of 2017 in OS.No.344 of 2012 dated 18.01.2018.

For Petitioner

: Mr.M.R.Thangavel

ORDER

According to the revision petitioner, the respondent herein has filed a suit in OS.No.344 of 2012 against the revision petitioner for mandatory injunction and permanent injunction. The revision petitioner has filed written statement on 03.06.2013. In the aforesaid suit, the

respondent has also filed an application in IA.No.1270 of 2017 to amend the prayer in the plaint of the suit. The said application was allowed on 18.01.2018. Challenging the said order, the revision petitioner has preferred the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner would submit that the court below has not appreciated the case of the revision petitioner, the declaration prayer in the instant application, is barred by limitation. But the court below has erroneously allowed the same. Hence, the order of the court below is liable to be set aside.

3. Heard the learned counsel for the revision petitioner and perused the materials available on record.

4. On perusal of the records, it is seen that the said application was allowed on 18.01.2018 and the certified copy was made ready on 06.02.2018. In the meantime, the court has amended the plaint and the amended plaint has also been enclosed in the typed set of papers. The present Civil Revision Petition has been filed on 20.02.2018 after the amendment was made by the court below. At this stage, this

Court cannot interfere with the order passed by the court below and the Civil Revision Petition is liable to be dismissed. However, the grounds raised in the present Civil Revision Petition can be agitated by the revision petitioner at the time of trial in the said suit.

5. Thus, the Civil Revision Petition is dismissed with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

28.02.2018

Speaking/Non-Speaking order
Index :Yes/No
Internet:Yes/No
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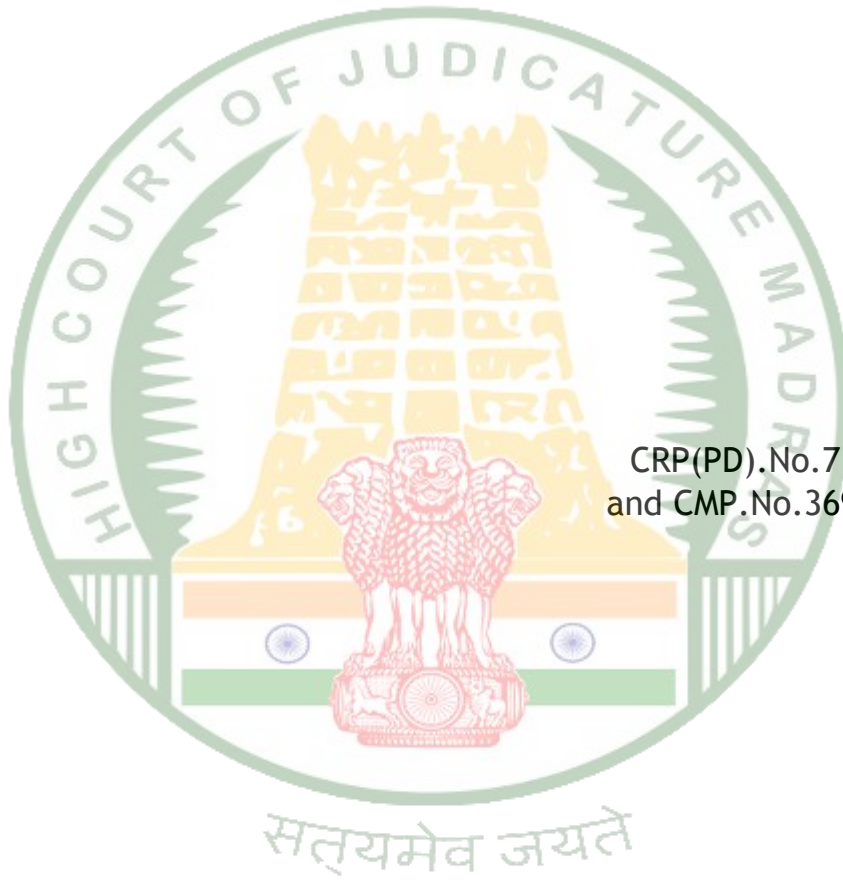
To

The learned District Munsif,
Kangayam

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D. KRISHNAKUMAR J.,

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