

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P.No.2862 of 2007
and M.P.No.1 of 2007
and C.R.P. No.2862 of 2007

Dhandapani ...Petitioner in both CRPs

vs.

RamathalRespondent in both CRPs

Prayer in CRP No.2862 of 2017: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Final Order dated 16.07.2007 and made in I.A.No.160 of 2007 in O.S.No.764 of 1996 on the file of the Third Additional District Munsif Court, Coimbatore.

Prayer in CRP.No.2991 of 2017:Civil Revision Petition filed under Article 227 of the Constitution of India setaside the fair and decretal order dated 16.07.2007 made in IA.NO.159 of 2007 in IA.No.273 of 2006 in OS.NO.764 of 1996 on the file of the Additional District Munsif, Coimbatore

For Petitioner in both CRPs : Mr.V.Janaranjani
For Respondent in both CRPs : Mr.A.Deiva Sigamani
for G.B.Saravanabhavan

COMMON ORDER

Since the issue involved in the both the CRPs are one and the same, this Court is disposing of both the CRPs by a Common Order.

2.The instant CRPs have been filed against the order dated 16.07.2007 in I.A.No.160 of 2007 in O.S.No.764 of 1996 and I.A.No.159 of 2007 in I.A.No.273 of 2006 in O.S.No.273 of 1996, passed by the Third Additional District Munsif Court, Coimbatore allowing the amendment application filed by the Respondent/Plaintiff under Order VI Rule 17 CPC.

3.The petitioner is the Defendant in the suit. The application for amendment was filed by the respondent after coming to know at the time of inspection of the property by the

Advocate Commissioner that two lines were omitted in the description of the suit schedule property which according to the Respondent was a typographical error. The petitioner/Defendant objected to the amendment before the Trial Court by contending that the Respondent /Plaintiff filed an amendment application belatedly after PW-1 was examined and cross-examined and the amendment application was filed only to fill up the lacuna in the relief sought for in the main suit.

4.The learned Judge who passed the impugned order has given a clear finding that the Respondent/Plaintiff has not introduced any new fact for the first time before the Court and on the other hand, the amendment sought for is only to correct the typographical error in the description of the suit schedule property. The learned Judge has also given a categorical finding the amendment if allowed will not prejudice the rights of the Petitioner/Defendant in any way.

5.This Court is also in agreement with the finding of the Trial Court in allowing the amendment application filed by the Respondent /Plaintiff. The suit is of the year 1996 and CRP is of the year 2007.

6.In view of the stay granted by this Court in MP No.1 of 2007 on 19.09.2007, the suit is still kept pending. No useful purpose will be served if the suit is allowed to be kept pending any further. Even though, the learned counsel for the petitioner seeks short accommodation for arguing the matter, this Court is not convinced to grant any further time considering the year of the Civil Revision Petitions.

7.This Court finds no legal infirmity in the order passed by the Trial Court.

8.Accordingly, the CRPs shall stand dismissed. Consequently connected miscellaneous petition is closed. However, there shall be no order as to costs.

9.The Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of this order.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

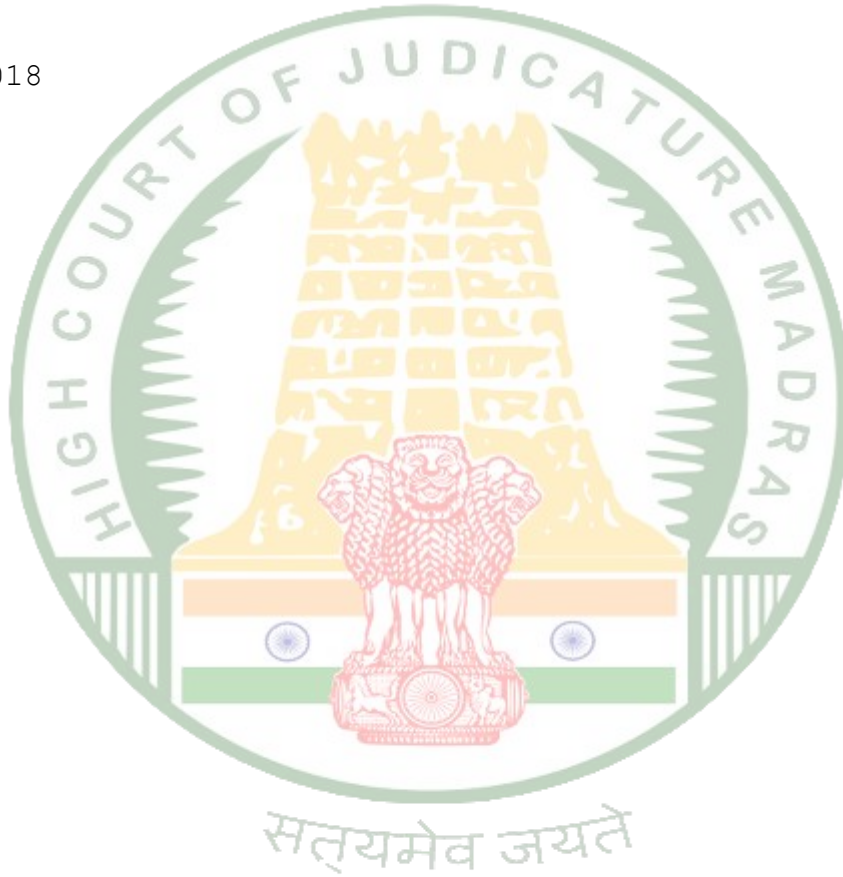
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To

The Third Additional District Munsif Court, Coimbatore

C.R.P.No.2862 of 2007
and M.P.No.1 of 2007
and C.R.P. No.2862 of 2007

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