

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. (NPD) No.3720 of 2018

and

C.M.P. No.20712 of 2018

M.Subramani Mudaliar

...Petitioner

Vs

1. Maragatham

2. G.Murugan

...Respondents

PRAYER:Civil Revision Petition filed under Section 115 of the Civil Procedure Code to allow the CRP by setting aside the order and decretal order dated 29.02.2016 passed in I.A.No.85 of 20105 in RCOP.No.26 of 2012 on the file of the Rent Controller/Principal District Munsif Court, Vellore.

For Petitioner : Mr.R.Thanjan

ORDER

The order under challenge is one under Order 6 Rule 17 of CPC allowing the amendment in the schedule of property relating to the demised premises. The reason assigned by the respondents in the

application for amendment is that it is a typographical error and therefore, they have sought for amendment of the demised premises from No.12 to No.14. The Court below had allowed the said application on the ground that it is only a typographical error.

2. The learned counsel for the petitioner submits there are no supporting documents to establish that the Door Number is not 12 and therefore, the Court below ought not to have allowed the application. I am not in agreement with the said submission.

3. The respondents in their original application have mentioned the Door Number as 14 correctly and the error seems to have occurred only in the schedule of property. When the respondents have specifically assigned the reason stating that it is only a typographical error, the Court below was well within its power to exercise its discretion under Order 6 Rule 17 of CPC and had allowed the amendment.

4. I am unable to see as to what prejudice would be caused to the petitioner by such an amendment. As such, I do not find any infirmity in the order of the trial Court.

5. Hence, the civil revision petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

28.11.2018

Index:Yes/No

Speaking order: Yes/No

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M.S.RAMESH.,J

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