



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) (PD) No. 618 of 2018

and

C.M.P. (MD) No. 2745 of 2018

WEB COPY

Dhanapal

... Petitioner

[for himself and on behalf of the other legal representatives of
Late Palaniyandi Chettiar who are all co-owners]

/Vs./

1. Natarajan

2. Thangaraju @ Thangarajan

3. Elango

4. Vinayagam

5. State of Tamilnadu,

Represented by its District Collector,
Tiruchirappalli - 620001.

6. The Tahsildar,

Taluk Office, Manapparai.

... Respondents

Prayer: Civil Revision Petition - filed under Article 227 of the
Constitution of India, to set aside the fair and decreetal order
dated 06.02.2018 made in I.A.No.448 of 2017 in O.S.No.56 of 2014 on
the file of the Principal District Munsif, Manapparai and to allow
this civil revision petition.

For Petitioner : Mr.G.Sridharan

R-1 to R-3 : unclaimed

For R-4 : Mr.RMS.Sethuraman

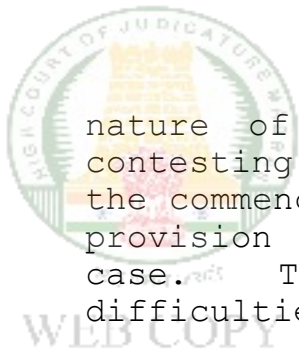
For R-5 & R-6 : Mr.M.Karuppasamy
Government Advocate

ORDER

The plaintiff in O.S.No.56 of 2014 on the file of the Principal
District Munsif, Manapparai is the revision petitioner herein.
After the trial commenced and when the matter was posted for cross
examination of the witness for the defendants, the plaintiff filed
an amendment petition. The same was dismissed. Questioning the
same, this civil revision petition has been filed.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the revision petitioner/
plaintiff would contend that the plaintiff only wants to reduce the
extent of the suit property and that he is not seeking to alter the



nature of the suit. But then, as rightly pointed out by the contesting defendants, an amendment should have been filed before the commencement of the trial and that the parameters set out in the provision under Order 6 Rule 17 CPC have not been applied in this case. The apprehension of the plaintiff is that technical difficulties may crop up later.

4. I am of the view that the apprehension of the plaintiffs is not well founded. Order 7 Rule 7 CPC reads as under:

7. Relief to be specifically stated.- Every plaintiff shall state specifically the relief which the plaintiff claims either simply or in the alternative, and it shall not be necessary to ask for general or other relief which may always be given as the Court may think just to the same extent as if it had been asked for. And the same rule shall apply to any relief claimed by the defendant in his written statement.

5. In this case, the plaintiff only wants to reduce his claim with respect to the extent of the property. Therefore, if the Court below is satisfied that the plaintiff is entitled to lesser relief, it will definitely decree the suit as per the entitlement of the plaintiff and the fact that the plaintiff asked for a larger relief, will not come in the way.

6. With these observations, the order impugned in this civil revision petition is sustained. Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CRL.SIDE)

//True Copy//

Sub Assistant Registrar(CS-I)

To
The Principal District Munsif, Manapparai.

+1cc to Mr.G.Sridharan , Advocate Sr.No.91260
+1cc to Mr.RMS.Sethuraman, Advocate Sr.No.91313
+1cc to SPL.Govt.Pleader, Sr.No.91427

SM
KM/SV/SAR1/27.12.2018/2P/5C