



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CRP(PD).(MD).No.2338 of 2015

and

M.P.(MD).No.1 of 2015

S.Jothimani

.. Petitioner/plaintiff

Vs.

R.Rajendran

.. Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 27.08.2015, passed in I.A.No.92 of 2015 in O.S.No.74 of 2011 on the file of the District Munsif, Vadipatti.

For Petitioner	:	Mrs.P.Jessi Jeeva Priya
For Respondent	:	No appearance

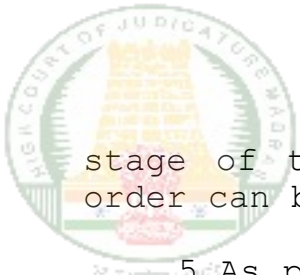
O R D E R

The Civil Revision Petition has been preferred to set aside the order dated 27.08.2015, passed in I.A.No.92 of 2015 in O.S.No.74 of 2011 on the file of the District Munsif, Vadipatti.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3.The petitioner as plaintiff filed a suit for bare injunction. After taking evidence of both parties, he woke up and filed a petition in I.A.No.92 of 2015 before the learned District Munsif and Judicial Magistrate, Vadipatti, seeking amendment of the prayer. In the said petition, he has asked the relief of declaration, in addition to the relief of bare injunction. The learned District Munsif and Judicial Magistrate, Vadipatti, after considering the submissions made by both sides and perusing the records, has dismissed the application for amendment. As against the said dismissal order, the present Civil Revision Petition has been filed.

4.The learned counsel for the petitioner submitted that the lower court has failed to consider the provision of Order 6 Rule 17 of C.P.C, as there is no prohibition to file the application at any



stage of the proceedings. Hence, on this ground alone, the said order can be set aside.

5.As per the Limitation Act, 1963, the petitioner ought to have approached the Court and filed a petition for amendment within a period of three years. In this case, the suit was filed in the year 2011, but the amendment petition was filed in the year 2015. Therefore, the learned District Munsif and Judicial Magistrate, Vadipatti has rightly considered the above said legal position and dismissed the application for amendment. Hence, the said order does not require any interference at the hands of this Court.

6.In the result, this Civil Revision Petition is dismissed by confirming the order dated 27.08.2015, passed in I.A.No.92 of 2015 in O.S.No.74 of 2014, by the District Munsif, Vadipatti. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

The District Munsif,
Vadipatti.

+1cc to Mr.N.Subramanian, Advocate, SR.No.67863.

CRP (PD) . (MD) .No.2338 of 2015
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vs

RAM/SV MMS/SAR 3/29.06.2018/2P/3C