



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(PD) (MD).No.1068 of 2017 and
C.M.P.(MD)No.4758 of 2017

Alagappan

... Petitioner/Respondent/
Defendant

Vs.

Rajangam

... Respondent/Petitioner/
Plaintiff

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed by the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, made in I.A.No.167 of 2016 in O.S.No.68 of 2011, dated 08.02.2017, by allowing the above Civil Revision petition.

For Petitioner

: Mr.B.Jameel Arasu

ORDER

The defendant in O.S.No.68 of 2011 on the file of the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, is the Revision petitioner herein.

2. The said suit was filed by the respondent herein seeking the relief of declaration and permanent injunction. Few years after the institution of the said suit, I.A.No.167 of 2016 came to be filed. The plaintiff now wants to amend the plaint and give up the relief of declaration. He want to conduct the suit with the relief of permanent injunction alone. The said application was allowed on 08.02.2017. The correctness of the said order is under challenge in this Civil Revision petition.

3. The learned counsel appearing for the Revision petitioner reiterated the contentions set out in the memorandum.

4. I am of the view that when the plaintiff wants to give up the substantial relief and continue to the relief of permanent injunction alone, it is not open to the defendant to oppose the same. The Court below rightly allowed the said application and no case is made out for interference. There is no merit in this Civil Revision petition.



5. The Civil Revision petition stands dismissed, accordingly.
No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

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Sub Assistant Registrar(CS-I)

To

1. The District Munsif cum Judicial Magistrate,
Natham, Dindigul District.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(**2copies**)

+1CC to Mr.B.Jameel Arasu, Advocate, SR.No.79593

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