



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.08.2018
CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

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C.R.P. (PD) (MD) No.1078 of 2017
and
C.M.P. (MD) .No.4768 of 2017

M.Muthukumar
through his Power Agent M.Balamurugan

.. Petitioner/Petitioner/Defendant

/Vs./

L.K.S.Abdulkareem

.. Respondent/Petitioner/Plaintiff

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 06.03.2017 passed in I.A.No.2 of 2017 in O.S.No.52 of 2013 on the file of IV Additional District Judge, Tirunelveli.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.R.Sundar

ORDER

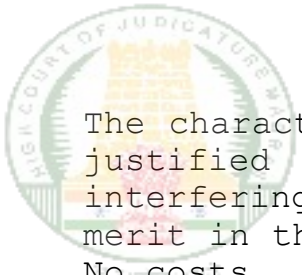
The defendant is the revision petitioner herein. The respondent herein filed O.S.No.52 of 2013 before the IV Additional District Judge, Tirunelveli seeking the relief of declaration and permanent injunction.

2. In the said suit, the plaintiff filed I.A.No.2 of 2017 for amending the plaint. As many as 7 changes are sought to be made. The court below allowed the same by order dated 06.03.2017. The correctness of the said order is questioned in the Civil Revision Petition.

3. Heard the learned counsel on either side.

4. The learned counsel for the revision petitioner reiterated the grounds taken in the memorandum.

5. This Court went through the details regarding the amendment. It is seen that the petitioner wants to lessen the extent in respect of relief was originally sought. It appears that these changes were necessitated after the Advocate Commissioner has filed his report. Since the controversies are sought to be minimized, no prejudice would be caused in any manner and moreover it is a pre-trial amendment. The petitioner has not taken any unwarranted plea.



The character of the suit has not been altered. The court below was justified in taking a liberal approach. There is no reason for interfering with the order passed by the court below. There is no merit in this Civil Revision Petition and the same stands dismissed. No costs. Consequently, connected C.M.P.No.4768 of 2017 is closed.

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Sd/-
Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The IV Additional District Judge,
Tirunelveli.

+1CC to Mr.M.P.Senthil, Advocate, SR.No.79932
+1CC to Mr.S.P.MAHARAJAN, Advocate, SR.No.79776

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CM
ES/SKN/RSK/SAR 3/27.09.2018/2P/4C