



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P.NPD[MD]Nos.1207 & 1208 of 2017
and
C.M.P.[MD]Nos.5694 & 5695 of 2017

Padmini : Revision Petitioner in both CRPs.
Vs.

1.Jegadhish

2.Ayisha Beevi : Respondents in both CRPs.

3.Thenmozhi : 3rd Respondent in C.R.P.NPD[MD]No.1207/17

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal orders in I.A.Nos.210 of 2012 and 329 of 2015 in A.S.No.110 of 2011 dated 16.06.2015 and 20.01.2017, respectively, on the file of the learned Subordinate Judge, Pudukkottai by allowing the Civil Revision Petition.

For Petitioners : Mr.K.Baalasundharam
[In both CRPs.]

For Respondent No.3 : Mr.N.Balakrishnan
[In C.R.P.NPD[MD]No.1207/17]

COMMON ORDER

The revision petitioner filed O.S.No.224 of 1999, on the file of the District Munsif Court, Aranthangi, seeking the relief of permanent injunction. Originally two persons were shown as defendants. The suit was decreed on 14.09.2009. Aggrieved by the same, the first defendant filed A.S.No.110 of 2011, before the Subordinate Court, Pudukkottai. In the meanwhile, the property had once again changed hands. One Thenmozhi had purchased the property from the appellant Jegadhish. Since she had become the owner of the property in question by virtue of her purchase, she wanted to get herself impleaded in A.S.No.110 of 2011, as the second appellant. She filed I.A.No.210 of 2012, for impleading herself as the second appellant. The said application was allowed by order dated 16.06.2016. The correctness of the said order is under challenge in C.R.P.NPD[MD]No.1207 of 2017.

2.Heard the learned Counsel on either side.

3.This Court does not find any merit in this Civil Revision Petition. It is obvious that the third respondent in C.R.P.NPD[MD] No.1207 of 2017, having become the owner of the property in question by virtue of having purchased the same from the appellant who is the



first respondent herein, she alone will have sufficient interest to prosecute the appeal. Therefore, taking note of her interest in the property, the Court below rightly allowed I.A.No.210 of 2012, filed by her. This Court finds no reason to interfere with the said order. Finding no merit, this Court dismisses C.R.P.NPD[MD]No.1207 of 2017.

4.Following the allowing of I.A.No.210 of 2012, an obligation was cast on the original appellants to effect changes in the memorandum of appeal. But then, this amendment should have been carried out within a period of 14 days. He did not do so. Such application was filed after a gap of about three months. The Court below allowed the same by order dated 20.01.2017. The said order is under challenge in C.R.P.NPD[MD]No.1208 of 2017. The learned Counsel appearing for the revision petitioner / plaintiff placed reliance on the Division Bench Decision of this Court reported in 2003-2-L.W. 295 [Southern Ancillaries Private Limited Vs. Southern Alloy Foundaries Private Limited]. The Hon'ble Division Bench has held as follows:

"v] If after allowing the amendment, the concerned party does not take care to amend the plaint/written statement within the period allowed or within 14 days where no period is fixed, or within the extended period, the plaintiff or defendant, as the case may be, shall not be permitted to amend after the expiration of the period and the Court had to only consider the unamended plaint or written statement."

5.In the present case, the Counsel for the revision petitioner contended that no application was taken out seeking extension of time. This Court is of the view that I.A.No.329 of 2015, filed by the appellant / first respondent herein, can well be treated as an application seeking extension of time. These are all matters in which this Court has to see if substantial justice has been rendered. Therefore, C.R.P.NPD[MD]No.1208 of 2017 is also dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS-III)

To
The Subordinate Judge, Pudukkottai
+1cc to Mr.K.Baalasundharam, Advocate, SR.No.78037
+1cc to Mr.N.BALAKRISHNAN, Advocate, SR.No. 77992

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