



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) Nos.1592 and 1593 of 2017
and
C.M.P. (MD) No.9007 of 2017

1.Soundararaj
2.Shanthi
3.Durai
4.Inbam

... Petitioners/Respondents/Defendants
in both petitions

-vs-

Vijayakumar

... Respondent/Petitioner/Plaintiff
in both petitions

COMMON PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the common judgment and decretal order in I.A.Nos.706 and 707 of 2017 in O.S.No.98 of 2013 dated 17.07.2017 on the file of the Additional District Munsif Court, Nanguneri.

For Petitioners : Mr.R.Pon Karthikeyan
(for both petitions)

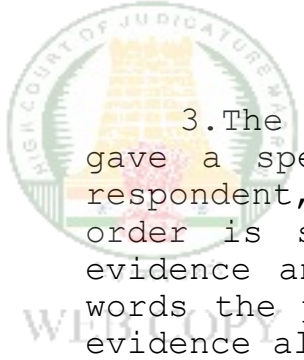
For Respondent : Mr.V.Meenakshi Sundaram
(for both petitions)

COMMON ORDER

The defedants are the revision petitioners herein. O.S.No.98 of 2013 was instituted by the respondent herein before the learned Additional District Munsif, Nanguneri, seeking the relief of permanent injunction. When the suit was at the fag end, the plaintiff filed I.A.Nos.706 and 707 of 2017 for reopening his side for the purpose of making an amendment. The plaintiff now wanted to include the reliefs of declaration and recovery of possession. The said applications were allowed by order dated 17.07.2017. The correctness of the said order is in question in this Civil Revision Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard the learned counsel on either side.



3. The learned counsel appearing for the plaintiff / respondent gave a specific undertaking, based on the instructions from the respondent, that he would be satisfied if the impugned amendment order is sustained and he would not seek to adduce any further evidence and straight away proceed to argue the matter. In other words the plaintiff will get along with the arguments based on the evidence already on record.

4. I am therefore of the view that in the light of the said undertaking given by the plaintiff / respondent, the impugned order in this civil revision petition can be sustained.

5. It is true that a relief barred by limitation cannot be granted. This is the core submission of the learned counsel for the revision petitioner. In this case, the declaratory relief and relief of recovery of possession is already sought and it is also to be noted that there is enough evidence to sustain the amendment in his plaint. Therefore, the common order impugned in this Civil Revision Petition is sustained and the present Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar (CS-III)

To:

The Additional District Munsif,
Nanguneri.

+1CC to Mr. R. Pon Karthikeyan, Advocate, SR.No.79444
+1CC to Mr. D. Nallathambi, Advocate, SR.No.79606

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