



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(PD) (MD)No.1857 of 2017
and
CMP(MD) No.9738 of 2017

1.Seethalakshmi
2.Gnanasekaran
3.Harikrishnammal
4.Krishnammal
5.Samundeeswari

.. Petitioners/Petitioners/Plaintiffs

Vs.

1.Govindaraj
2.Ramachandran
3.Ramaiah
4.Sundari

.. Respondents/Respondents/Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 09.02.2017 passed in I.A.No.220 of 2016 in O.S.No.281 of 2013 on the file of the Additional District Munsif Court, Srivilliputhur.

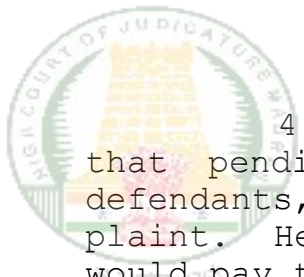
For Petitioners : Mr.M.P.Senthil

O R D E R

This Civil Revision Petition has been filed challenging the order dated 09.02.2017 made in I.A.No.220 of 2016 in O.S.No.281 of 2013 on the file of the Additional District Munsif Court, Srivilliputhur.

2. The petitioners / plaintiffs have filed the suit in O.S.No.281 of 2013 on the file of Additional District Munsif Court, Srivilliputhur against the respondents/defendants seeking the relief of declaration and for permanent injunction. The petitioners filed I.A.No.220 of 2016 under Order 6 Rule 17 CPC seeking to amend the plaint.

3. The case of the petitioners is that some mistakes have been crept-in in the plaint and most of the mistakes are typographical errors. In order to correct the mistakes crept-in, they have filed the said interlocutory application to amend the plaint. As the same was dismissed, they are before this Court.



4. The learned Counsel for the petitioners would submit that pending suit, in view of the disturbance caused by the defendants, it is just and necessary to amend the prayer of the plaint. He would further submit that once the plaint is amended, he would pay the correct Court fee.

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5. The respondents/defendants, before the lower Court, through their counter affidavit denied all the averments made in the affidavit. The suit was filed on 16.04.2013. The respondents have been putting up the construction even before the suit was filed. Moreover, the petitioner's plea was barred by Limitation Act, since they did not choose to file the said amendment application within three years from the institution of the suit. The application is a belated one. Only to drag on the proceedings, the petitioners have filed the petition and hence prayed for dismissal.

6. The Court below, by an order dated 09.02.2017, dismissed the petition. Aggrieved by the said order, the petitioners herein have preferred the above Civil Revision Petition.

7. Heard the learned Counsel for the petitioners and perused the materials available on record. Notice to the respondents is dispensed with.

8. A perusal of records would show that when the matter was reserved for judgment, the petitioners have filed the present application against the dismissal of amendment application. It is seen that the petitioners have sought for the above amendment after completion of trial and after hearing the arguments of both sides. It is pertinent to note that the petitioners have filed the amendment petition, after the case was reserved for judgment, which is not permissible as per settled law. The suit was instituted in the year 2013 and the amendment application came to be filed at the fag end of the trial.

9. This court does not find any merit in this revision. The revision fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Additional District Munsif, Srivilliputhur.

+1CC to Mr.M.P.Senthil, Advocate, SR.No. 441125

C.R.P. (PD) (MD) No.1857 of 2017

24.01.2018