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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.09.2018
CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .No.1185 of 2016 and
C.M.P. (MD) No.5801 of 2016

Manikandan ... Petitioner/Petitioner/
Plaintiff

Vs.

Subbaiah Pandian ... Respondent/Respondent/
Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.10.2015 passed in I.A.No.540 of 2015 in O.S.No.108 of 2012 on the file of the Principal District Munsif Court, Sanakarankovil and allow the present Civil Revision petition.

For Petitioner : Mr.R.J.Karthick

For Respondent : No appearance.

O R D E R

The plaintiff in O.S.No.108 of 2012 on the file of the Principal District Munsif Court, Sankarankovil, is the Revision petitioner herein. It is a suit for mandatory injunction to execute a rectification deed. After the plaintiff stepped into witness box, he wanted to file a replication. I.A.No.540 of 2015 was filed by the Revision petitioner herein. The said application was dismissed by order dated 12.10.2015. The correctness of the said order is assailed in this Civil Revision petition.

2. It is seen that the Revision petitioner is only confining himself to the matter set out in the written statement. He has not travelled beyond the original pleadings. Therefore, I am of the view that the Court below ought to have adopted a liberal approach.

3. The order passed by the learned Principal District Munsif, Sankarankovil, in I.A.No.540 of 2015 in O.S.No.108 of 2012, dated 12.10.2015, is set aside. The Civil Revision petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/
Assistant Registrar(P&A)

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Sub Assistant Registrar(CS-III)



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The Principal District Munsif,
Sanakarankovil.

COPY TO

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1cc to Mr.R.J.KARTHICK, Advocate, SR.No.82178

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PMU
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