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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2018**

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .No.1460 of 2016

and

C.M.P. (MD) No.7150 of 2016

A.Shanmugathai

... Petitioner/Petitioner/
Plaintiff

Vs.

1.M.Muthammal

2.M.Palanichamy

... Respondents/Respondents/
Defendants

PRAYER : Petition filed under Article 227 of Constitution of India, to call for the records pertaining to the fair order and decreetal order dated 07.03.2016 passed in I.A.No.326 of 2015 in O.S.No.33 of 2011 on the file of the District Munsif Court, Sattur and set aside the same as illegal.

For petitioner: Mr.R.Pandi Maharaja
for Mr.C.M.Arumugam

For R1 : No appearance

For R2 : Mr.M.Solaisamy

ORDER

The plaintiff in O.S.No.33 of 2011 on the file of the District Munsif Court, Sattur is the revision petitioner herein. The revision petitioner originally filed the said suit, claiming the relief of permanent injunction alone. When the matter was posted for argument, the plaintiff filed I.A.No.326 of 2015 for incorporating the relief of declaration also. Since, this application was filed not merely at the post trial stage, but literally at the last moment. When the matter is listed for argument, the Court below dismissed the I.A. The same is questioned in this Civil Revision Petition.

2.The learned counsel appearing for the revision petitioner gave an undertaking that he would be satisfied if the declaratory prayer alone is incorporated and that he would not seek to adduce any further evidence. In other words, once the plaint is amended, the revision in this case should get along with the arguments straightaway. Subject to this, the order impugned in this Civil Revision Petition is set aside and I.A.No.326 of 2015 is allowed.



3.The revision petitioner shall amend the plaint immediately and get along with the arguments. The Court below shall dispose of the suit itself within a period of 45 days.

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4.Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The District Munsif Court,
Sattur.

2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+ 1 CC TO MR.M.SOLAISAMY, ADVOCATE IN SR NO.83079
+ 1 CC TO MR.C.M.ARUMUGAM , ADVOCATE IN SR NO.82744

PNN

BU/NM/RP/SAR-III :14.11.2018 : 2P/6C

ORDER MADE IN
C.R.P. (PD) (MD) .No.1460 of 2016
and
C.M.P. (MD) No.7150 of 2016
05.09.2018