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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.1578 of 2016 (NPD)
and
CMP(MD)No.7704 of 2016

Veluchamy ... Petitioner

Vs.

1.The Revenue Divisional Officer,
Periyakulam, Theni District.

2.P.Ponnammal

3.P.Dhandabani ... Respondents

Prayer : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to call for the records relating to the fair and decreetal order dated 03.03.2005 made in I.A No.(unnumbered) of 2005 in LAOP No.22 of 1992 on the file of the Sub Court, Periyakulam and set aside the same as illegal.

For Petitioner : Mr.V.Goerge Raja
For Respondents : No appearance

ORDER

This civil revision petition arises out of the land acquisition proceedings in L.A.O.P No.22 of 1992 on the file of the Sub court, Periyakulam. An award was passed enhancing the amount of compensation payable to the land owners. The same was questioned in an appeal. The appeal proceedings have since been concluded. Thereafter, an application was taken out to correct the cause title. The legal heirs of the 7th claimant were erroneously shown as the LRs of the 10th claimant. To correct the same, an application was taken out. The court below took the view that in as much as the award was questioned and appealed against and the First Appeal was also concluded, thereafter the correction in question cannot be made. Even the application filed in this regard was returned. However, an order was passed rejecting the revision petitioner's request by the court below.

2.The approach of the court below is that when once the First Appeal itself got concluded, the cause title obtaining in the decree cannot be corrected by the trial court. I am of the view that the court below has proceeded on a misconception of law. Section 153

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of CPC confers powers on the trial court to permit the plaintiff to make such amendments in the interest of justice. That apart, the inherent powers of the court are always available under Section 151 of CPC. These are meant to be exercised. The court below has failed to exercise the jurisdiction that is legitimately vested in it.

3.In this view of the matter, the order impugned in this civil revision petition is set aside. This civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The Sub Judge, Periyakulam.

2.The Revenue Divisional Officer,
Periyakulam, Theni District.

+1cc to M/s.Special Government Pleader,SR.No. 87150

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