



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.1631 of 2016 (PD)

A.R.Balaiyan (died)

1.Sakunthala

2.Senthil Kumar

3.Azhagiri

4.Vanitha

5.Nathiya

6.Shenbagavalli

... Petitioners
Petitioners/Plaintiffs

Vs.

1.Ponnusamy

2.Minor Anburaja

... Respondents
Respondents/Defendants

Rep by Father and Gurardian 1st Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order dated 20.01.2016 made in I.A No.599 of 2015 in O.S No.153 of 2008 on the file of the District Munsif Court, Pattukkottai, set aside the same.

For Petitioners

: Mr.C.Padmaraj

For Respondents

: Mr.S.Deenadhayalan
for R1 and R2

ORDER

The plaintiffs in O.S No.153 of 2008 on the file of the District Munsif Court, Pattukottai are the revision petitioners herein. After the trial commenced, they filed I.A No.599 of 2015 for incorporating the prayer of recovery of possession. Since the suit was posted for argument, the court below took the strict view on and dismissed the I.A by order dated 20.01.2016. The correctness of the said order is questioned in this civil revision petition.



2.All that the petitioners wants is only to incorporate the relief of recovery of possession. The learned counsel for the petitioner submits that the plaintiffs do not seek to leave to adduce any further evidence. They seek amendment which is more formal in nature. However, it is made clear that the amendment will come into effect only from the date when I.A No.599 of 2015 was filed. It will not relate back to the institution of the suit. The plaintiffs are at liberty to file written statement and all the contentions are left open. The order impugned in this civil revision petition is set aside. Since the suit is of the year 2001, the court below is directed to dispose of the same within a period of six months from the date of receipt of a copy of this order.

3.This civil revision petition is allowed. No costs.

Sd

ASSISTANT REGISTRAR (CRL SIDE)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS III)

skm

To

The District Munsif Court, Pattukkottai.

1CC TO MR. C. PADMARAJ, ADVOCATE SR 83258

1CC TO MR. S. DEENADHAYALAN, ADVOCATE SR 83410

NM SV SAR 3

2P 4C

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