



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1680 of 2016 (NPD)

C.Chellamuthu

... Petitioner

**Vs.**

C.Churchill

... Respondent

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A No.1404 of 2015 in O.S No.466 of 2008 on the file of the Additional District Munsif, Padmanabhapuram dated 02.07.2016 and allow the Civil Revision Petition.

For Petitioner : Mr.C.K.M.Appaji

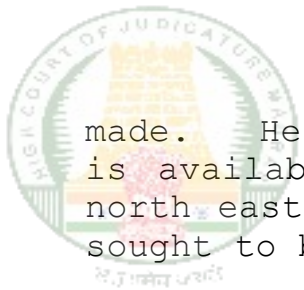
For Respondents: No appearance

**ORDER**

The defendant in O.S No.466 of 2008 on the file of the Additional District Munsif Court, Padmanabhapuram is the revision petitioner herein. The suit was filed by the respondent herein seeking the relief of declaration of his absolute right over the suit schedule property. The case of the defendant is that the plaintiff is having an alternative pathway. But, it appears that he had erroneously mentioned it as lying in the north east of schedule property. Actually, this is existing in the south east of the suit schedule property. It is this correction which he wants to make. Therefore, he filed I.A No.1404 of 2015 for amending his plaint. The same was dismissed by order dated 02.07.2016. The same is questioned in this civil revision petition.

2.Though the plaintiff has been served notice and his name also printed in the cause list, he has not chosen to enter appearance either in person or through counsel.

3.This Court is of the view that the correction that is sought to be made is rather of formal nature. It is not as if the defendant is attempting to withdraw an admission already



made. He had already taken a defence that an alternative pathway is available. He had mentioned it erroneously as lying in the north east of schedule property. It is this correction that is sought to be made.

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4.This Court is of the view that no prejudice will be caused by permitting the amendment sought for. In this view of the matter, the order impugned in this civil revision petition is set aside. This revision petition is allowed. Of course, the plaintiff will be at liberty to file his replication. This civil revision petition is allowed. No costs.

Sd/-

Assistant Registrar (CrI-Side)

// True Copy //

Sub Assistant Registrar(CS-III)

To

The Additional District Munsif,  
Padmanabhapuram.

+ 1 CC TO MR.C.K.M.APPAJI, ADVOCATE IN SR NO.84691

SKM

BU/PM/SAR-III :25.10.2018 : 2P/3C

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