



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.1792 of 2016 (PD)

1.S.R.Ravi

2.K.Sivagami

... Petitioners

Vs.

1.P.Rajaraman

2.P.Rathinam

3.P.Balakrishnan

... Respondents

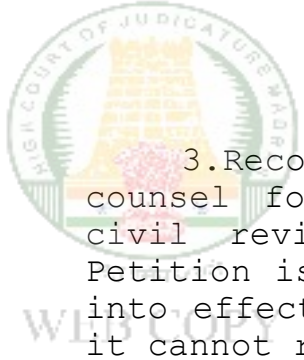
Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.06.2016 passed in I.A No.758 of 2015 in O.S No.813 of 2012 on the file of the Principal District Munsif Court, Tiruchirappalli.

For Petitioners	: Mr.M.P.Senthil
For Respondents	: Mr.N.Sivasubramani

ORDER

The plaintiffs in O.S No.813 of 2012 on the file of the Principal District Munsif Court, Tiruchirappalli are the revision petitioners herein. In the said suit, I.A No.758 of 2015 was filed for incorporating the relief of declaration and recovery of possession in the alternative. The Court below taking note of the fact that the amendment application was taken out at the last moment, dismissed the interlocutory application by order dated 04.06.2016.

2.The approach of the court below cannot be faulted. But then, the learned counsel for the revision petitioner undertakes that the plaintiff would be satisfied if they are formally allowed to amend the plaint as sought for and that they would not adduce further evidence. In fact, they would get along with arguments. It is made clear that the plaint can be allowed to amend only for formal purpose to avoid technical objection that should be raised by the other side.



3. Recording the aforesaid undertaking given by the learned counsel for the revision petitioner, the order impugned in this civil revision petition is set aside and this Civil Revision Petition is allowed. It is made clear that the amendment will come into effect only from the date of filing of I.A No.758 of 2015 and it cannot relate back to the institution of the suit. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Principal District Munsif , Tiruchirappalli.

- + 1 CC TO Mr.M.P.Senthil , ADVOCATE IN SR No. 83146.
- 1 CC TO: Mr.N.Sivasubramani , ADVOCATE IN SR No.83783.

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