



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2018**

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .No.1814 of 2016

and

C.M.P. (MD) No.8730 of 2016

WEB COPY

Pandanallur Panchayat Union,
Sivankovil street, Pandanallur,
Thiruvaidaimaruthur Taluk,
Thanjavur District,
Represented by its President, Baskar. ...Petitioner/Plaintiff
S/o Velamaml

Vs.

1.Rathinasamy
2.Kannan
3.R.Girija ...Respondents/Defendants

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the order dated 20.06.2016 made in I.A.No.142 of 2016 in O.S.No.155 of 2010 on the file of the Principal District Munsif Court, Kumbakonam.

For petitioner: Mr.R.Vijayakumar

For R3 : Mr.T.Antony Arul Raj

For R2 : No Appearance

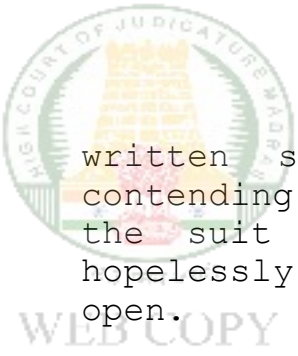
ORDER

The plaintiff in O.S.No.155 of 2010 on the file of the Principal District Munsif, Kumbakonam is the revision petitioner herein. The suit is filed for the relief of permanent injunction. After the trial commenced, I.A.No.142 of 2016 was filed for amending the plaint by incorporating the relief of mandatory injunction. The Court below dismissed the said I.A., on 20.06.2016. Questioning the same, this Civil Revision Petition has been filed.

2.Heard learned counsel on either side.

3.I held that the amendment sought to be made by the revision petitioner will be with effect from the date on which the I.A.No.142 of 2016 is filed. In other words, the amendment will not relate back to the institution of the suit. With this clarification, the order impugned in this Civil Revision Petition

4.The respondents are at liberty to file an additional



written statement raising the plea of limitation and also contending that the offending construction was there even before the suit was filed and that the case of the plaintiff is hopelessly barred by limitation. The issue of limitation is left open.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-III)

To

Principal District Munsif,
Kumbakonam.

+ 1 CC TO MR.R.VIJAYAKUMAR, ADVOCATE IN SR NO.83192
+ 1 CC TO MR.T.ANTONY ARUL RAJ, ADVOCATE IN SR NO.83149

PNN

BU/PM/SAR-III : 30.10.2018 : 2P/4C

ORDER MADE IN
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and
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