



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.1835 of 2016

R.R.Ganesh Rajkumar

... Revision petitioner/
Petitioner/Plaintiff

Vs.

Malarkodi

... Respondent/Respondent/
Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 28.06.2016 made in I.A.No.331 of 2015 in O.S.No.58 of 2012 on the file of the District Munsif Court, Theni.

For Petitioner : Mr.S.Siva Thilakar

For Respondent : M/s.V.Muthukamatchi

O R D E R

The plaintiff in O.S.No.58 of 2012 on the file of the District Munsif Court, Theni, is the Revision petitioner herein. The suit was originally filed for the relief of recovery of possession and mandatory injunction. Later, the relief of declaration was also sought to be incorporated. The plaintiff therefore filed I.A.No.331 of 2015. But it was dismissed by the Court below. The said order is under challenge in this Civil Revision petition.

2. Heard the learned counsel on either side.

3. It is not in dispute that there is a relief for recovery of possession. It is also not in dispute that the amendment was sought to be made at the pre-trial stage. Therefore, the Court below ought to have adopted an indulgent approach. This is all the more so because, the character of the suit will not be affected.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Therefore, the order impugned in this Civil Revision



petition is set aside. The Civil Revision petition stands allowed, accordingly. No costs.

Sd/-
Assistant Registrar(CRL.SIDE)

/True Copy/

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Sub Assistant Registrar(CS-IV)

To

1. The District Munsif,
Theni.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. 2 COPIES

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