



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1928 of 2016

and

C.M.P. (MD) .No.9144 of 2016

Muthukithuru Fathima

.. Petitioner / Petitioner
Plaintiff

vs.

1.K.M.Syed Ahmed Fathima

2.Jainambu Katheejah

3.Mariyam

.. Respondents / Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 16.12.2015 made in I.A.No.589 of 2015 in O.S.No.6 of 2012 on the file of the District Munsif Court, Tiruchendur.

For Petitioner : Mr.S.R.Anbarasu
For Respondent : Mr.A.Arumugan
for Mr.C.Christopher

ORDER

The plaintiff in O.S.No.6 of 2012 on the file of the learned District Munsif, Tiruchendur is the revision petitioner herein. It is a suit for declaration and permanent injunction. The plaintiff filed I.A.No.589 of 2015 for amending the plaint for incorporating the relief of mandatory injunction. The said IA was dismissed by the Court below. Questioning the same, the present Civil Revision Petition has been filed.

2. Heard the learned counsel on either side.

3. It is seen that the amendment in question was attempted to be made at the pre-trial stage. Therefore, the Court below ought to have adopted an indulgent and liberal approach. But then the amendment will come into force with effect from the date on which the I.A.No.589 of 2015 was filed. In other words, the amendment will not relate back to the institution of suit. The petitioner is at liberty to file additional written statement raising the plea regarding the limitation also.



4. With these observations, this Civil Revision Petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-III)

To
The District Munsif,
Tiruchendur.

Copy to
The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. 2 copies

- 2 CC TO Mr.S.R.Anbarasu, ADVOCATE IN SR Nos. 85008,82537.
+ 1 CC TO Mr.C.Chirstopher , ADVOCATE IN SR No. 82255.

PJL
DS SKN SAR 3 22 10 2018 2P 7C

C.R.P. (MD)No.1928 of 2016

04.09.2018