



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (PD) (MD) .No.2016 of 2016

Karuppa Gounder (died)

1.Karuppa Gounder

2.Vellaikannu

3.Thangarasu

4.Periakkal

... Revision Petitioners/Respondents/
Defendants

Vs

Anai Gounder(died)

1.Kalliammal

2.Chinnakuncju @ Palaniammal

3.Tamilarasi

... Respondents/Petitioner/
Plaintiffs

PRAYER: Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 20.04.2016 in I.A.No.297 of 2016 in O.S.No.103 of 2006 on the file of the District Munsif, Kulithalai and allow this Civil Revision Petition.

For Petitioners : Mr.K.Asok Kumar ram
For R1 to R3 : Mr.G.Sridharan

ORDER

O.S.No.103 of 2006 on the file of the District Munsif Court, Kulithalai was instituted by the respondents herein seeking the reliefs of declaration, recovery of possession and permanent injunction. Trial has commenced in the said suit. The plaintiff side was also over. Thereafter, the respondents herein filed I.A.No.297 of 2016 for amending the plaint. The Court below by order dated 20.04.2016 allowed the said I.A. Questioning the same, the defendants have filed this Civil Revision Petition.

2.Heard learned counsel on either side.

3.It is true that the amendment application was filed after the commencement of the trial. Therefore, as rightly contended by the learned counsel for the revision petitioners, the plaintiffs will have to satisfy the parameters set out in the proviso to Order 6 Rule 7 of CPC. In this case, the plaintiffs had sought appointment of an advocate commissioner. Only after the report of the advocate commissioner was filed, the plaintiffs realized that they had erroneously mentioned the extent of the suit schedule ~~of the suit~~. This necessitated the filing of the present amendment application.



4.It has been held by this Court that amendment applications on the strength of the advocate commissioner's report can very well be made. In any event, what is sought to be altered is only the extent of the suit items. The character of the suit is not altered in the process. In any event, the impugned order has been passed by exercising its discretion by the trial Court which does not warrant any interference by this Court.

5.Accordingly, this Civil Revision Petition is dismissed. No costs.

Sd/
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar(CS-III)

To
The District Munsif,
Kulithalai.

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1cc to Mr.K.ASOK KUMARRAM, Advocate, SR.No. 88906
+1cc to Mr.G.Sridharan, Advocate, SR.No. 88536

ORDER MADE IN
C.R.P. (PD) (MD) .No.2016 of 2016
and
C.M.P. (MD)No.9460 of 2016
04.10.2018

PNN
KK/RP/SAR-3/23.11.2018/3P-6C