



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2018

CORAM

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.2099 of 2016 and
C.M.P. (MD) No.9792 of 2016

S.Shanmugam

... Petitioner/Plaintiff

Vs.

R.Asaikalai,
S/o.Rasu Thevar,
Power of Attorney of
R.Manorama Jothibai,
Door No.15/5/8, East Last Street,
Anna Nagar,
Madurai - 20.

... Respondent/Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision petition setting aside the order dated 29.04.2016 made in O.S.No.23 of 2016 on the file of the V Additional District Court, Madurai.

For Petitioner

: Mr.R.G.Shankar Ganesh

ORDER

The plaintiff in O.S.No.23 of 2016 on the file of the learned V Additional District Judge, Madurai, is the Revision petitioner herein. It is a suit for specific performance. The plaintiff had entered into an agreement dated 11.12.2011 with one R.Manorama Jothibai represented by her Power Agent one R.Asaikalai. The suit had been laid only against the said Asaikalai as the Power Agent of the said R.Manorama Jothibai. The Court below observed that the suit has not been properly framed. Therefore, the Court below *suo motu* reopened the matter and directed the plaintiff to amend the plaint by making the said R.Manorama Jothibai also as a defendant. The order in question is actually in favour of the Revision petitioner. It does not infringe his right. Therefore, the order impugned in this Civil Revision petition stands confirmed. The Revision petitioner is given two weeks time to carry out necessary amendments to implead the said R.Manorama Jothibai.

2. The Civil Revision petition stands disposed of, accordingly.



No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

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/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The V Additional District Judge,
Madurai.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

PMU

DS/SV/SAR-1 : 16/10/2018 : 2P/4C

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