



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.2447 of 2016 (PD)
and
CMP(MD)No.11560 of 2016

Bakciyalakshmi

... Petitioner

Vs.

1.S.Vellaichamy

2.Navaneethakannan

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 02.07.2016 made in I.A No.381 of 2016 in O.S No.251 of 2009 on the file of the Principal District Munsif Court, Dindigul.

For Petitioner	: Mr.R.G.Shankar Ganesh
For Respondents	: Mr.G.Gomathi Sankar for R1 R2-Tapal returned with an endorsement - no residence

ORDER

The first defendant in O.S No.251 of 2009 on the file of the Principal District Munsif Court, Dindigul is the revision petitioner herein. It is a suit for declaration as well as injunction. The suit schedule originally was shown as measuring 8 $\frac{1}{4}$ cents. By impugned amendment, the extent of the suit property has been amended to 28 cents. Aggrieved by the same, this civil revision petition has been filed.

2.Heard the learned counsel on either side.

3.I am of the view that to protect the interest of the both parties, the order passed by the court below can be clarified as having come into effect only from the date when I.A No.381 of 2016 was filed. In other words, the amendment will not relate back to the institution of the suit. The revision petitioner is at liberty to file his additional written statement taking the plea that the reliefs now sought for stand clearly barred by limitation. The issue of limitation is left open.

4.With this clarification, this civil revision petition is partly allowed. The suit is of the year 2009. The court below



is directed to conclude the suit proceedings within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(w)

WEB COPY

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Principal District Munsif, Dindigul.

Copy to

The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madruai.

+2cc to Mr.R.G.Shankar Ganesh, Advocate Sr.No.83327,83042
+1cc to Mr.G.Gomathi Sankar, Advocate Sr.No.83180

SKM

VB/PM/SAR1/04.10.2018/2P/7C

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