



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.2519 of 2016
and
C.M.P. (MD) .No.11895 of 2016

P.Amarnath Vadamalaiyan

.. Petitioner/Respondent/
Defendant

vs.

S.Ponsellan

.. Respondent/ Petitioner /
Plaintiff

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order made in I.A.No.115 of 2016 in O.S.No.146 of 2014 dated 13.08.2016 pending on the file of the District Munsif court, Thiruchendur.

For Petitioner : Mr.R.Pon Karthikeyan

ORDER

The defendant is the revision petitioner. The suit was originally one for permanent injunction. But, prior to commencement of trial, the plaintiff took out I.A.No.115 of 2016 for amending the plaint and he wanted to make it a comprehensive suit by incorporating the relief of mandatory injunction and recovery of possession. It has been consistently held that an application for amendment of plaint should be viewed liberally, if it is at the pre-trial stage. Since in this case, trial has not yet commenced, the Court below has rightly allowed the application for amendment. The reasons set out in the impugned order are very much sustainable in law. Since there is no case made out for interfering with the same, finding no merit in the civil revision petition, this Court is inclined to dismiss the same. The Civil Revision Petition is dismissed accordingly. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (Crl.side)



To

1. The District Munsif,
Tiruchendur.

2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

PJL

TE/JM/SV/SAR-2 : 17/09/2018 : 2P/4C

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