



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018
CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]No.2557 of 2016
and
C.M.P.[MD]No.12047 of 2016

1.Selvakumar
2.Chandrasekar

:Petitioners/
Respondents 1& 3/
Defendants 1 & 3

Vs.

1.Kamaraj

2.Arikumar

:1st Respondent/
Petitioner/Plaintiff

:2nd Respondent/
2nd Respondent/
2nd Defendant

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to allow the Civil Revision Petition and set aside the fair and decreetal order dated 27.09.2016 made in I.A.No.278 of 2016 in O.S.No.5 of 2015 on the file of the District Munsif Court, Tiruchendur.

For Petitioners : Mr.A.Arumugam
For Respondent No.1 : Mr.G.Prabhu Rajadurai
For Respondent No.2 : No appearance

O R D E R

The defendants 1 & 3 in O.S.No.5 of 2015 on the file of the District Munsif Court, Tiruchendur, are the revision petitioners herein. The plaintiff filed the said suit seeking the relief of declaration and mandatory injunction. Later, he filed I.A.No.278 of 2016, for incorporating the relief of permanent injunction. The same was allowed by the Court below. The order amending the prayer is questioned in this Civil Revision Petition.

2.The learned Counsel appearing for the revision petitioner pointed out that even in the plaint, there are averments that the plaintiff is facing obstruction at the hands of the defendants. Therefore, he ought to have asked for permanent injunction even at the time of filing of the suit.

3. Though, the learned Counsel is technically correct, in as much as this is only a pre-trial amendment and the cause of action is of continuing nature, this Civil Revision Petition is dismissed confirming the order impugned in this Civil Revision Petition.

4. The Civil Revision Petition is dismissed, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

Sub Assistant Registrar (CS-III)

To
The District Munsif,
Tiruchendur.

+ 1 CC TO MR.G.PRABHU RAJADURAI, ADVOCATE IN SR NO.86651

+ 1 CC TO MR.A.ARUMUGAM, ADVOCATE IN SR NO.86856

MR

BU/PM/SAR-III : 30.10.2018 : 2P/4C

ORDER MADE IN
C.R.P. PD[MD] No. 2557 of 2016
25.09.2018