



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.416 of 2016 and  
C.M.P.(MD)No.1802 of 2016

1. Sivakumar
2. Subramanian
- 3.Vasanthakumari

... Petitioners/Respondents  
1 to 3/  
Defendants 1 to 3

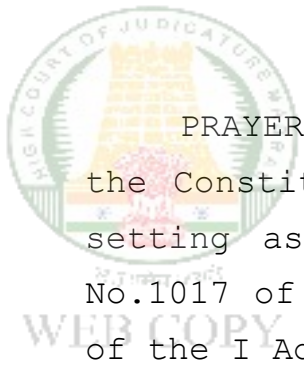
Vs.

1. Arumugam
2. Palani Murugan
3. Sivakaminathan @ Jegan
4. Muppidathi
5. Esakkiammal
6. Pon Esakki
7. Veerammal @ Rani
8. Seethalakshmi
9. Velammal
- 10.Veerammal @ Jeya
- 11.Muthu
- 12.Sivakami
- 13.Arumuga Selvi
- 14.Shanthi
- 15.Vijayalakshmi
- 16.Muthu
- 17.Dhasamma
- 18.Alwin C.Josuva
- 19.Ansilla
- 20.Ansilla
- 21.Anushiya
- 22.Muppidathi @ Thurai
- 23.Esakki
- 24.Shanmugavel
- 25.Chellammal
- 26.Arumugam
- 27.Veerammal

... 1 to 16 Respondents/Petitioners/Plaintiffs

*(Respondents 22 to 24 & 26 are remained  
ex-parte before the Court below. Hence,  
notice may be dispensed with)*

... Respondents 17 to 27/  
Respondents 4 to 14/  
Defendants 4 to 14



PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision petition by setting aside the fair order and decretal order passed in I.A. No.1017 of 2014 in O.S.No.368 of 2009, dated 16.09.2015 on the file of the I Additional District Munsif Court, Tirunelveli.

|                        |                             |
|------------------------|-----------------------------|
| For Petitioners        | : Mr.R.T.Arivukumar         |
| For R-1 to R-15        | : Mr.T.Selvan               |
| For R-17, R-19 to R-21 | : Mr.M.P.Senthil            |
| For R-25 & R-16 & 27   | : No appearance.            |
| For R-22 to            |                             |
| R-24 & R-26            | : Dispensed with vide in EB |
| For R-18               | : Died.                     |

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### O R D E R

Defendants 1 to 3 in the suit are the Revision petitioners herein. O.S.No.368 of 2009 has been filed by respondents 1 to 16 herein seeking the relief of declaration and consequential permanent injunction. In the said suit, I.A.No.1017 of 2014 was filed for amending the description of the suit schedule. The said application was allowed by order dated 16.09.2015. Questioning the same, the Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the Revision petitioners pointed out that for the very same relief the plaintiffs filed I.A.No.42 of 2011, but withdrew the same, later. The Court below did not give any liberty to the plaintiffs to file a fresh amendment application on the same grounds. He also pointed out that the suit is of the year 2009 and the said Interlocutory application has been filed rather belatedly. His core contention was that the plaintiffs were deliberately and mischievously given the lands in Survey No.1003, when it had been subdivided long time back. The learned counsel reiterated the grounds set out in the memorandum.

4. I am unable to agree with the said submissions of the learned counsel for the Revision petitioners. Admittedly, the trial in the suit is yet to commence. It is a pre-trial amendment. The Court below was justified in taking a liberal approach. The order passed by the learned I Additional District Munsif, Tirunelveli, in I.A.No.1017 of 2014 in O.S.No.368 of 2009, dated 16.09.2015, is a discretionary one. No case is made out for interference in exercise of jurisdiction of this Court under Article 227 of the Constitution of India.



5. The Civil Revision petition stands dismissed, accordingly.  
No costs. Consequently, connected Miscellaneous petition is closed.

Sd/

Assistant Registrar(CS-III)

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Sub Assistant Registrar (CS-I)

To

The I Additional District Munsif,  
Tirunelveli.

+1cc to Mr.T.Selvan, Advocate, SR.No. 80742

+1cc to Mr.M.P.Senthil, Advocate, SR.No. 80902

+1cc to Mr.R.T.Arivukumar, Advocate, SR.No.80850

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