



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.10.2018
CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P (MD) (PD) .No.1515 of 2018
and
C.M.P (MD) .No.6563 of 2018

R.Selvaraj

... Petitioner

Vs.

V.Vijayakumar

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decretal order dated 04.01.2018 made in I.A.No.258 of 2017 in O.S.No.109 of 2016 on the file of the District Munsif Court, Sivakasi.

For Petitioner : Mr.S.Ramasamy
For Respondent : Mr.A.Sivaji

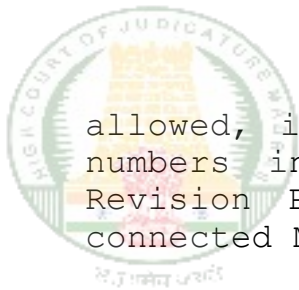
ORDER

The plaintiff in O.S.No.109 of 2016 on the file of the District Munsif Court, Sivakasi, is the revision petitioner herein. He filed I.A.No.258 of 2017 for amending the plaint. The same was dismissed by the Court below. Questioning the same, this Civil Revision Petition has been filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the respondent rightly pointed out that the endeavor of the plaintiff to include a prayer for restoration of pathway alleged to have been destroyed by the defendant, cannot be allowed, because in the main plaint averments, there is absolutely no foundation laid for the same.

3. This Court called upon the learned counsel appearing for the revision petitioner to draw this Court's attention as to whether there are any basic averments in support of his suit prayer.

4. The learned counsel for the plaintiff could not point out any such averment. Therefore, this Court sustains the order passed by the Court below with regard to the inclusion of the prayer for pathway-restoration. However, it is seen that the trial is yet to commence. The plaintiff wants to incorporate certain survey numbers in the second suit schedule.



allowed, insofar as it relates to incorporation of certain survey numbers in the second suit schedule. Accordingly, this Civil Revision Petition is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (RTI)

Sub Assistant Registrar (CS-III)

To

The District Munsif, Sivakasi.

Copy To:

The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.S.Ramasamy, Advocate, SR.No.90254

+1CC to Mr.A.Sivaji, Advocate, SR.No.90595

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RMK

ES/SKN/RSK/SAR 3/15.11.2018/2P/6C