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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (PD) (MD).No.58 of 2016

and

C.M.P. (MD) No.250 of 2016

1.V.Krishnaveni
2.P.Jayalakshmi
3.Anand Divakar

... Petitioners

Vs.

T.T.Krishnan @ Pounraj

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order passed in I.A.No.592 of 2014 in O.S.No.108 of 2007 on the file of the I Additional District Munsif Court, Trichy, dated 03.09.2015 and allow the Civil Revision Petition.

For petitioners : Mr.C.Vakeeswaran
For Respondent : Mr.V.Sitharanjandas

ORDER

The Revision Petitioners are the plaintiff in O.S.No.108 of 2007 on the file of the I Additional District Munsif, Tiruchirappalli. The said suit was filed for declaration and permanent injunction.

2.The case of the revision petitioner is that during the pendency of the suit proceedings, trespass was committed by the respondent herein. They therefore, want to amend the plaint and incorporate the relief of mandatory injunction. The Court below dismissed the I.A.,. Questioning the same, this Civil Revision Petition has been filed.

3.Heard the learned counsel on either side.

4.The learned counsel for the revision petitioner submitted that the third revision petitioner had instructed him not to get along with the matter. The learned counsel for the revision petitioners has also filed a memo in this regard. The same is taken on file. This Court went through the contents of the affidavit in filed in I.A.No.592 of 2014.

5.As rightly pointed out by the learned counsel appearing for the revision petitioners, the said affidavit is absolutely vague. The revision petitioners have not stated on which date the trespass was committed and when the offending construction was put up. As



rightly pointed out by the learned counsel for the respondent, the suit is of the year 2007 whereas the I.A., was filed in the year 2014. There was a clear seven year gap between the institution of the suit and filing of the I.A.

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6. Therefore, the revision petitioners ought to have set out the particulars in greater detail. Since, the affidavit is vague and the Court below has rightly dismissed the same, the order of the Court below is confirmed. However, it goes without saying that the revision petitioners can always work out their remedies in the manner known to law.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

The I Additional District Munsif, Tiruchirappalli.

+1cc to Mr. C. Vakeeswaran, Advocate in sr.no.80241

+1cc to Mr. V. Sitharanjandas Advocate in sr.no.80202.

Pnn

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ORDER MADE IN
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