



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.594 of 2016

and

C.M.P. (MD) .No.2629 of 2016

1.Periyasamy

2.Chinnasamy

... Petitioners/Respondents/Defendants

-vs-

Palanichamy

... Respondents/Petitioner/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 30.10.2015 made in I.A.No.599 of 2015 in O.S.No.80 of 2011 on the file of the Additional District Munsif, Karur and to allow the said application.

For Petitioner : Mr.P.Athimoolapandian

For Respondents : Mr.E.K.Kumaresan

ORDER

The defendants in O.S.No.80 of 2011 on the file of the Additional District Munsif, Karur are the revision petitioner sherein. The respondent filed the said suit seeking the relief of declaration and recovery of possession. In the said suit, I.A.No.599 of 2015 was filed for amending the plaint. The plaintiff now wants to include the relief of mandatory injunction. The court below, by order dated 30.10.2015 allowed the same. Questioning the same, the present Civil Revision Petition has been filed.

2.Heard the learned counsel appearing on either side.

3.The learned counsel appearing for the petitioners contended that this is not a pre-trial amendment and therefore, the Court below ought not to have allowed the I.A.

4.I am of the view that interest of the revision petitioners can be more than taken care of by directing that amendment will come into effect from the date of filing of I.A.No.599 of 2015 and that the amendment will not relate back to the institution of the suit.



5. With this clarification, this Civil Revision Petition is partly allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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/True Copy/

Sub Assistant Registrar (CS-I)

vs

To

The Additional District Munsif,
Karur.

+1cc to Mr. E. K. Kumaresan, Advocate in SR No. 82092

+1cc to Mr. P. Athimoolapandian, Advocate in SR No. 82048

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NM/PM/SAR I/25.11.18/2P/4C