



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.10.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) No.663 of 2016
and
CMP (MD) No.3081 of 2016

Sivadevan

... Petitioner/Petitioner

Vs.

- 1.Sundaram
- 2.The Superintending of Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd,
Having office at Coimbatore Road,
Karur town.
- 3.The Executive Engineer (O&M) Rural
Tamilnadu Generation and Distribution
Corporation Ltd,
Having office at Coimbatore Road,
Karur town.
- 4.The Assistant Executive Engineer
(Operation and Maintenance) North,
Tamilnadu Generation and Distribution
Corporation Ltd,
Having office at Pugalur,
Karur Taluk.
- 5.The Assistant Engineer,
(Operation and Maintenance),
Tamilnadu Generation and Distribution
Corporation Ltd,
Having office at Thottakuruchi,
Karur Taluk.

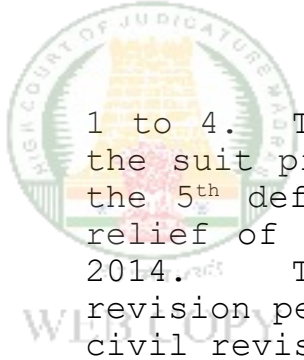
... Respondents/Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decreetal order passed by the Additional District Munsif Court, Karur in I.A No.1137 of 2014 in O.S No.588 of 2011 dated 23.07.2015.

For Petitioner : Mr.R.Devaraj
For Respondents : Mr.V.Balaji for R1
No appearance for R2 to R5

ORDER

O.S No.588 of 2011 on the file of the District Munsif Court, Karur was filed by the first respondent herein seeking the relief of permanent injunction. The E.B authorities were shown as defendants



1 to 4. The case of the plaintiff is that during the pendency of the suit proceedings, electricity connection was given in favour of the 5th defendant and that therefore, he wanted to incorporate the relief of mandatory injunction by way of filing an I.A No.1137 of 2014. The court below by the order impugned in this civil revision petition had allowed the same. Questioning the same, this civil revision petition has been filed.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. The learned counsel appearing for the revision petitioner pointed out that the TNEB authorities have filed written statement categorically affirming that electricity connection was provided to the fifth defendant on 23.11.2011. He therefore submitted that permitting the amendment in question would violate the law of limitation. Be that as it may, this Court is of the view that since it was only a pre-trial amendment, it can be allowed to stand. But then, it is made clear that the amendment in question will come into play only from the date of filing of I.A No.1137 of 2014. The revision petitioner is at liberty to file an additional written statement raising the plea of limitation.

4. With this clarification, the order impugned in this civil revision petition is modified. This civil revision petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Cr1.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Additional District Munsif, Karur.

+1CC to Mr.R.Devaraj, Advocate, SR.No.89111

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SKM

ES/RP/SAR 4/12.11.2018/2P/3C