



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE **G.R.SWAMINATHAN**

C.R.P (MD) (PD) .No.67 of 2016

and

C.M.P (MD) .No.267 of 2016

Thamarai Selvi

... Petitioner/Petitioner/Plaintiff

vs.

1.Latha

2.Manokaran

... Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.02.2015 passed in I.A.No.1267 of 2014 in O.S.No.444 of 2008 on the file of the District Munsif Court, Pudukkottai by allowing this revision petition.

For Petitioner : Mr.K.N.Govardhanan

For Respondents : Mr.R.P.Ramachanthiran

O R D E R

The revision petitioner filed a suit in O.S.No.444 of 2008 on the file of the learned District Munsif, Pudukkottai seeking the relief of permanent injunction. After the commencement of trial, the revision petitioner filed I.A.No.1267 of 2014 for amendment of the plaint for incorporating the relief of declaration. The Court below dismissed the said Interlocutory Application by order dated 12.02.2015. Questioning the same, the civil revision petition came to be filed.

2.Heard the learned counsel on either side.

3.The revision petitioner after all wants to make her suit more comprehensive by incorporating the prayer for declaration. Therefore, no objection can be taken in response thereto. This is all the more because such an amendment became necessary, in view of the stand taken by the defendants in their additional written statement. Therefore, the impugned order in this civil revision



petition is set aside and the civil revision petition is allowed. It is made clear that the issue of limitation is left open. The amendment will not relate back to the institution of the suit the defendants are entitled to file additional written statement, within a period of four weeks from the date of receipt of a copy of this order. Since the suit is of the year 2008, the trial Court is directed to conclude the same, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The District Munsif,
Pudukkottai.

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

+1 CC To MR.R.P.RAMACHANTHIRAN, Advocate SR. NO. 80909

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RMK

TR/RP/SAR-IV(03.10.2018)2P 5C