



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

WEB COPY

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

C.R.P. (MD) .No.753 of 2016
and
C.M.P. (MD) .No.3726 of 2016

Chandramani ... Petitioner/Petitioner/Defendant

-vs-

B.Jeyaraman ... Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 31.10.2013 passed in I.A.No.141 of 2012 in O.S.No.171 of 2011 on the file of the District Munsif-cum-Judicial Magistrate Court, Bodinayakanur and to allow this Civil Revision Petition.

For Petitioner : Mr.R.Vijayakumar
For Respondent : Mr.R.Suriyanarayanan

ORDER

The defendant in O.S.No.171 of 2011 on the file of the District Munsif Cum Judicial Magistrate Court, Bodinayakanur is the revision petitioner herein. The said suit has been filed for declaring two sale agreements as invalid, unenforceable and time barred. The plaintiff has also sought the relief of recovery of possession. In the said suit, the revision petitioner herein filed I.A.No.141 of 2012 for rejection of plaint. The Court below by order dated 31.10.2013 dismissed the said I.A. Questioning the same, this Civil Revision Petition has been filed.

2.The learned counsel appearing for the respondent herein/plaintiff contended that if as claimed by the revision petitioner, the relief is undervalued, the plaintiff must be given an opportunity to amend the same, within the time to be framed by the Court below, if he fails to do so, then alone, the plaint will be rejected.

<https://hcservices.ecourts.gov.in/hcservices/>

3.I find force in the said submission.



4. In such view of the matter, the order impugned is sustained and this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The District Munsif-cum-Judicial Magistrate,
Bodinayakanur.

+ 1 CC TO Mr.R.VIJAYAKUMAR, ADVOCATE IN SR No. 82075
+ 1 CC TO Mr.R.SURIYA NARAYANAN, ADVOCATE IN SR No. 82169

VS

TE/PM/SAR-3 : 05/10/2018 : 2P/4C

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