



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]No.844 of 2016

1.Parvathy Ammal
2.Ramakrishnan : Petitioners

Vs.

1.Shanmuga Sundaram Mudaliyar
2.Sivagami Ammal
3.Selvakumar : Respondents

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the order dated 22.0.2016 made in I.A.No.1075 of 2015 in O.S.No.55 of 2013 on the file of the District Munsif Court, Ambasamudram.

For Petitioners: Mr.S.Siva Thilakar
For Respondents: Mr.R.J.Karthick

O R D E R

The plaintiffs in O.S.No.55 of 2013, on the file of the District Munsif Court, Ambasamudram are the revision petitioners herein. The suit was originally filed for declaration and permanent injunction. Later, the plaint was sought to be amended by incorporating the relief of mandatory injunction by filing I.A.No.1075 of 2015 for this purpose. The Court below dismissed the same. Questioning the same, the present Civil Revision Petition has been filed.

2.Heard the learned Counsel on either side.

3.It is seen that the amendment in question was sought to be made at the pre-trial stage. Therefore, the Court below ought to have adopted an indulgent view. The order impugned in this Civil Revision Petition is set aside. But, it is made clear that the amendment will come into effect only from the date when I.A.No. 1075 of 2015 was filed. However, the respondents are at liberty to file additional written statement to raise the plea of limitation. The question of limitation is left open.



4.The Civil Revision Petition stands allowed, accordingly. No costs.

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Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar(CS-I)

To

The District Munsif,
Ambasamudram.

+ 1 CC TO MR.S.SIVA THILAKAR, ADVOCATE IN SR NO.86494
+ 1 CC TO MR.R.J.KARTHICK, ADVOCATE IN SR NO.86860

MR
BU/RSK/SAR-I:22.10.2018 : 2P/4C

ORDER MADE IN
C.R.P.PD[MD]No.844 of 2016
25.09.2018