



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) (PD)No.852 of 2016andC.M.P.(MD)No.4330 of 2016

E.Daisy Rani ... Petitioner /Petitioner / Plaintiff
/Vs./

1.Chithra
2.C.Vijaya kumar
3.Maheswari
4.B.Chinnaraj

5.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

6.The Executive Officer,
Nilakottai Town Panchayat,
Nilakottai Taluk,
Dindigul District.

7.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Town Division,
Nilakottai Town,
Dindigul District.

8.The Sub Registrar,
Nilakottai,
Dindigul District.

... Respondents/Respondents /
Defendants

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to call for the entire records pertaining to the order passed by the learned District Munsif, Nilakottai, Dindigul District in I.A.No.455 of 2015 in O.S.No.3 of 2013, dated 15.03.2016 and set aside the same.

For Petitioner	: Mr.S.Balaji
For R-1 & R-2	: Mr.B.Raju
For R-3 & R-4	: No appearance
For R-5 & R-6	: Mr.M.Karuppasamy
	Government Advocate
For R-7	: Mr.M.Mohan Babu



For R-8

: Mr.M.Murugan
Government Advocate

ORDER

The plaintiff in O.S.No.3 of 2013 on the file of the District Munsif Court, Nilakottai is the revision petitioner herein. The suit was filed for declaring that certain documents are null and void and for permanent injunction. During the pendency of the suit, the revision petitioner filed I.A.No.455 of 2015 for amending the plaint to incorporate other reliefs. The Court below, by an order dated 15.03.2016 dismissed the said Interlocutory Application. Questioning the correctness of the impugned order, the civil revision petition has been filed.

2. The learned counsel appearing for the revision petitioner reiterated the grounds set out in the memorandum. He also pointed out that there is no appearance on the side of the respondents and that therefore, the civil revision petition can be allowed.

3. I am unable to agree with these submissions. As rightly pointed out by the Court below by permitting the amendments in question, the cause of action as well as the character of the suit would definitely be altered. Therefore, affirming the reasons given by the Court below, the civil revision petition is dismissed.

4. On the face of it, it appears that the suit suffers from a formal fact. Therefore, if the revision petitioner applies for withdrawal of the suit with liberty to file a fresh one on the same cause of action, the Court below may consider the same and pass appropriate orders. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

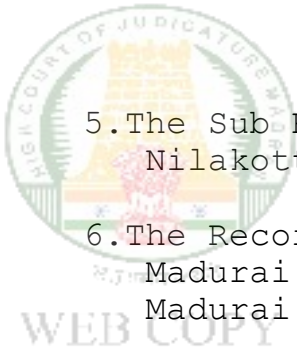
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Sub Assistant Registrar (CS-I)

To

1.The District Munsif, Nilakottai, Dindigul District.

2.The Tahsildar,
Nilakottai Taluk, Dindigul District.3.The Executive Officer,
Nilakottai Town Panchayat,
Nilakottai Taluk, Dindigul District.4.The Assistant Executive Engineer Tamilnadu Electricity Board,
<https://hcservices.ecourts.gov.in/hcservices/> Town Division, Nilakkottai Town, Dindigul District.



5.The Sub Registrar,
Nilakottai, Dindigul District.

6.The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1CC TO MR.S.BALAJI ADVOCATE IN S.RNO.81215.

+1CC TO MR.M.MOHANBABU, ADVOCATE IN S.RNO.81528.

+1CC TO SPECIAL GOVERNMENT PLEADER IN S.R.NO.81464.

SM

DS RP SAR-1:24.09.2018: 3P/11C

Order made in
C.R.P.(MD) (PD) No.852 of 2016

30.08.2018