



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.1987 of 2018 and
C.M.P. (MD) No.8749 of 2018

G.Subburaj

...Petitioner/Petitioner/
Plaintiff

Vs.

Manikodi

... Respondent/Respondent/
Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 11.06.2018 passed in I.A.No.21 of 2018 in O.S.No.135 of 2015 on the file of the District Munsif Court, Theni.

For Petitioner: Mr.M.C.Samy

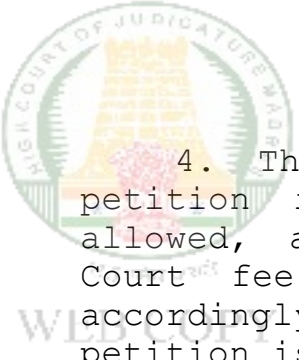
For Respondent: MR.K.Raguraman

ORDER

The plaintiff in O.S.No.135 of 2015 on the file of the District Munsif, Theni, is the Revision petitioner herein. The suit is one for permanent injunction. After the commencement of trial, the plaintiff filed I.A.No.21 of 2018 for amending the plaint in order to seek the relief of declaration. The Court below by order dated 11.06.2018 dismissed the said Interlocutory application. Challenging the same, this Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the Revision petitioner submitted that the Revision petitioner would not seek to adduce any further evidence. The amendment was made only to overcome the possibility of technical objection that the suit for permanent injunction as such is not maintainable for not including the relief of declaration. Therefore, I am of the view that notwithstanding the fact that the trial had already commenced in this case, the amendment ought to have been permitted to seek the relief of declaration.



4. Therefore, the order impugned in this Civil Revision petition is set aside. The Civil Revision petition stands allowed, accordingly. The Revision petitioner shall amend the Court fee column also appropriately and pay the Court fee accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-III)

To

The District Munsif, Theni.

+ 1 CC TO MR.K.RAGURAMAN, ADVOCATE IN SR NO.90352

+ 1 CC TO MR.M.C.SAMY , ADVOCATE IN SR NO.90874

PMU

BU/PM/SAR-III:31.10.2018 :2P/4C

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