



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .No.1955 of 2016 and
C.M.P. (MD) No.9228 of 2016

Eronimas @ Jebamoni Dhas

... Petitioner

Vs.

1. The Proprietor,
Kumutham Reporter Magazine,
Kumutham Publications Private Limited,
Old No.151, New No.306, Purasaivakam Highway,
Chennai-600 010.
2. The Auditor,
Kumutham Reporter Magazine,
Kumutham Publications Private Limited,
Old No.151, New No.306, Purasaivakam Highway,
Chennai-600 010.
3. The Publisher,
Kumutham Publications Private Limited,
Old No.151, New No.306,
Purasaivakam Highway,
Chennai-600 010.
4. The Printer,
Kumutham Reporter Magazine,
Kumutham Publications Private Limited,
Old No.151, New No.306,
Purasaivakam Highway,
Chennai-600 010.

5. C.Sundar Raj
6. Rajeswari
7. Rethina Mony
8. Mrs.Helan

... Respondents

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the order and decretal order passed in I.A.No.91 of 2012 in O.S.No.133 of 2009 dated 29.06.2016 on the file of the Subordinate Judge, padmanabhapuram and allow the above Civil Revision Petition.

For petitioner : Mr.K.Sreekumaran Nair

For R2, R3, R5&R7

: No appearance

For R1, R8

: Exparte

**ORDER**

The plaintiff in O.S.No.133 of 2009 on the file of Sub Court, Padmanathapuram is the revision petitioner herein. It is a suit for damages. In the said suit, the revision petitioner filed I.A.No.91 of 2012 for incorporating an additional paragraph. The Court below by order dated 29.06.2016, dismissed the said I.A. The same is questioned in this Civil Revision Petition.

2.The contesting respondents have been served notice and their names are printed in the cause list. But they have not chosen to make their appearance either in person or through counsel.

3.The learned counsel for the revision petitioner pointed out that the amendment has been sought at the pre-trial stage. It does not change the character of the suit. If the stand of the respondents is that the amendment is sought to be made only to save the suit from the vice of limitation, it is open to them to take such a defence. The petitioner cannot be thrown out at the threshold. The respondent is at liberty to file his additional written statement raising additional pleas also. Therefore, the order impugned in this Civil Revision Petition is set aside.

4.Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

The Subordinate Judge, Padmanabhapuram.

Copy To:-

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

+ 1 CC TO Mr.K.SREE KUMARAN NAIR, ADVOCATE IN SR No. 82642

PNN

KK/RP/SAR-1 : 23/10/2018 : 2P/5C

ORDER MADE IN
C.R.P. (PD) (MD) .No.1955 of 2016 and
C.M.P. (MD) No.9228 of 2016
06.09.2018