

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.2727 of 2018

ORDER:

The defendants 1, 4 and 6 in a suit for a permanent injunction, have come up with the above revision challenging an order passed by the trial Court allowing an application for amendment of the suit schedule.

2. Heard Dr. P.B. Vijaya Kumar, learned counsel for the revision petitioners.

3. The respondents 1 and 2 herein filed a suit in O.S.No.51 of 2013 for a decree of permanent injunction restraining the defendants from interfering with their possession and enjoyment of the plaint schedule property. In the plaint schedule, the survey number of the property was indicated as 291/3.

4. But it appears that when a Commissioner was appointed in I.A.No.77 of 2017 to note down the physical features, it was found out that the survey number was 291/2. Therefore, the plaintiffs filed an application in I.A.No.758 of 2017 for amendment of the suit schedule. The said application was allowed by the Court below forcing the defendants 1, 4 and 6 to come up with the above revision.

5. As rightly pointed out by the trial Court, the total extent of property, the boundaries as well as the other descriptions are not sought to be changed by this amendment application. The only amendment that the plaintiffs sought was to change the survey number from 291/3 to 291/2. So long as the boundaries are retained,

the amendment does not seek to set up a new case nor is it based upon a new cause of action. In fact, the law is well settled that even where the survey number is wrongly mentioned, the boundaries can prevail. In this case, the nature of the property, the nature of the cause of action and the nature of the reliefs sought have not undergone any change with this amendment. Therefore, the trial Court was right in allowing the application for amendment and I see no irregularity or illegality warranting interference of this Court.

Hence, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 27-04-2018

Ksn

