

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.114 of 2019
and
C.M.P.No.1020 of 2019

Penista Jeyakumar

...Petitioner/Plaintiff

Vs

T. James Terrance

...Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order in I.A.No.204 of 2016 in O.S.No.112 of 2015 on the file of the learned I Additional District Judge, Kancheepuram, Chengalpattu dated 05.10.2018.

For Petitioner : Mr.Suryanarayanan
for Mrs.Jayasudha Suryanarayanan

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned I Additional District Judge, Kancheepuram, Chengalpattu, in I.A.No.204 of 2016 in O.S.No.112 of 2015, in and by which the learned Judge, has allowed the application filed by the defendant for amending the decree under Section 152 of the Code of Civil Procedure to delete Clause 3 of the Preliminary Decree which reads as follows:

"3.That the defendant, his men, agents, servants, legal representatives of anybody claiming under him be and are hereby restraining by way of permanent injunction from alienating the suit property without the knowledge and consent of the plaintiff."

2.Mr.Suryanarayanan, learned counsel appearing for the petitioner would submit that the learned Judge while allowing the application has made certain observations in the order and therefore, the order has to be set aside. The application was one simplicitor for deleting the relief which was not granted in the Judgment. There was no necessity for the learned I Additional District Judge, Kancheepuram, Chengalpattu, to traverse into the merits of the suit which has already resulted

in Judgment.

3.Heard the learned counsel appearing for the petitioner and perused the material available on record.

4.An application had been filed only to amend the Clause 3 of the Decree and there was no necessity for the learned Judge to proceed to make observations on merits of the case which has already been considered in the Judgment while confirming the order insofar as the amendment is concerned, however the observations on the merits stand expunged.

This Civil Revision Petition is dismissed with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Mps

To

The I Additional District Judge,
Kancheepuram,
Chengalpattu.

+1cc to Mr.G.Surya Narayanan, Advocate, S.R.No. 19069

C.R.P.No.114 of 2019
and

C.M.P.No.1020 of 2019

CA (CO)
GN(07/05/2019)

WEB COPY