

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2019

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THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP(PD).No.1195 of 2018

and

C.M.P.No.6205 of 2018

Ramuru

.. Petitioner/Plaintiff

Vs

1.Ayub

2.Senthil Kumar
Document Writer,
Sub-Registrar Office Compound,
Palacode Town,
Dharmapuri District.

3.The Sub-Registrar,
Sub-Registrar Office Compound,
Palacode Town,
Dharmapuri District.

..Respondents/Defendants

Civil Revision Petition filed under Article 227 of the Indian

Constitution against the order dated 07.11.2017 rejecting the
unnumbered I.A. of 2017 in O.S.No. 138 of 2011 passed by the
District Munsif Court, Palacode.

For Petitioner : Mr.D.Bhaskar

For Respondents : Not ready in notice

ORDER

The above Civil Revision Petition is filed questioning the dismissal of an unnumbered interlocutory application seeking to amend the plaint to include an additional relief for declaring a cancellation deed dated 09.09.2008 null and void. The main grievance of the Revision Petitioner is that the application has been dismissed without even numbering the same.

2 Heard Mr.D.Baskar, learned counsel appearing on behalf of the petitioner.

3 A mere perusal of the plaint would indicate that even on 04.07.2011, when the plaint was filed, the petitioner/plaintiff had stricken off the very same relief, which he now seeks to introduce by way of an amendment. Not only has the relief been struck off, but also the valuation with reference to that of the reliefs has also been stricken off. It is therefore, very evident that even in the year 2011, the plaintiff was aware about the cancellation and has not chosen to have the same declared as null and void. Six years after the filing of the suit, the present petition has been filed, it is clearly barred by limitation. I find no infirmity in the order passed by the learned Additional Subordinate Judge, Tindivaam, in I.A.No.70 of 2016 in O.S.No.60 of 2015.

4 In the result, these Civil Revision Petitions stands dismissed. No costs. Consequently connected miscellaneous petition is also closed.

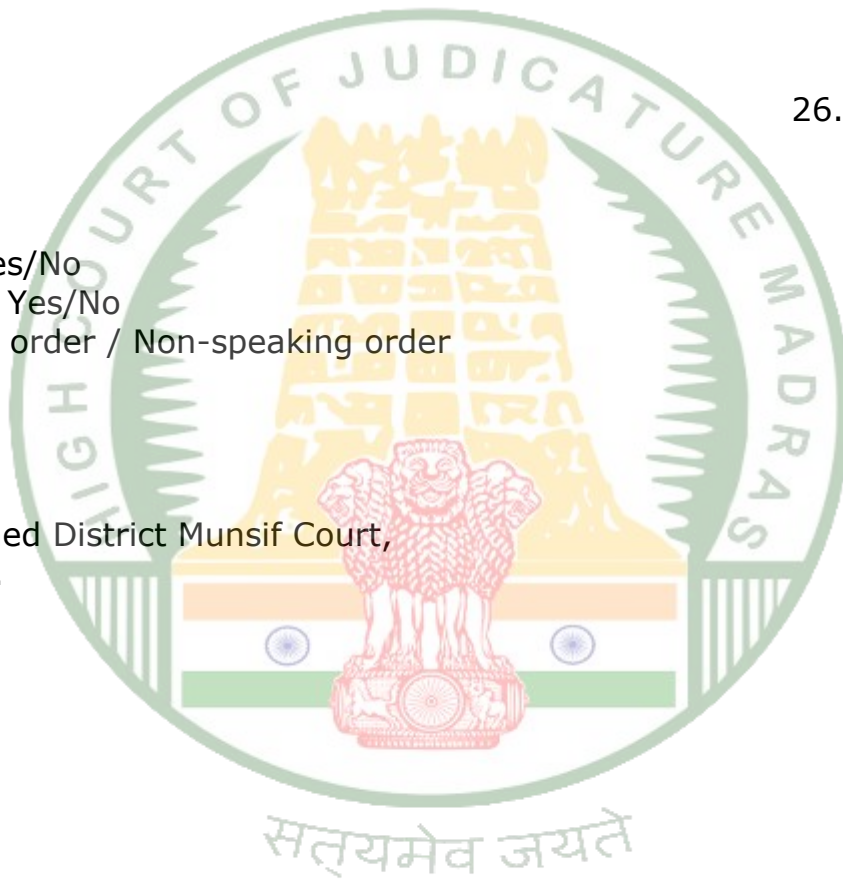
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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

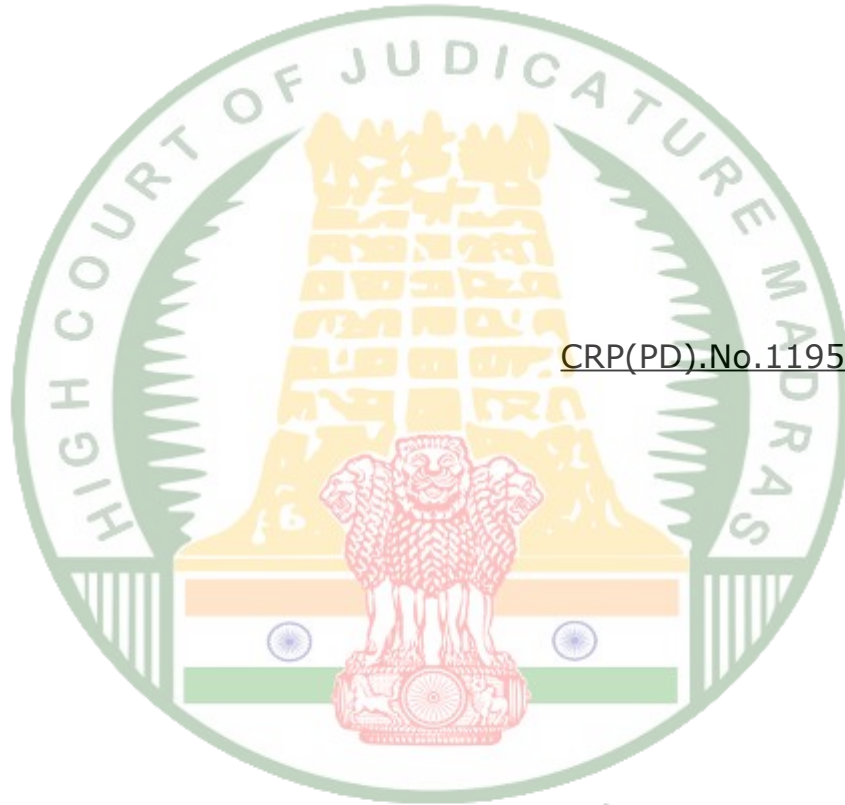
To

The learned District Munsif Court,
Palacode.



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P.T.ASHA, J.
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