

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No.659 of 2019

and

C.M.P.No.4372 of 2019

1.N.V.Gunasekaran

2.N.V.Pattabiraman Petitioners /Defendants

-Vs-

Divij Jain ... Respondent /Plaintiff
(rep. by his General Power
of Attorney Mr.Sanjay Kumar Jain)

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal order dated 28.11.2018 made in I.A.No.105 of 2018 in O.S.No.97 of 2015 on the file of the Subordinate Judge, Udhagamandalam.

For Petitioners : Mr.N.Damodaran

ORDER

The above Civil Revision Petition is filed challenging the order dated 28.11.2018, passed in I.A.No.105 of 2018 in O.S.No.97 of 2015, in and by which the learned Subordinate Judge, Udhagamandalam had permitted the amendment of the plaint.

2.The facts in brief to dispose of the above Civil Revision Petition are as follows:

(i)The respondent/plaintiff had filed a Suit for recovery of possession, Injunction as well as for Mandatory Injunction with reference to the following Schedule of Property:

"SCHEDULE OF PROPERTY

REGISTRATION DISTRICT : : THE NILGIRIS
REGISTRATION SUB DIST : : OOTACAMUND
VILLAGE OR TOWN : : OOTACAMUND
LOCALITY : : GRAND DUFF ROAD
R.S.NO. : : 4915
NEW R.S.NO. : : K/9/20

Subject matter of the suit is 1589 sq. ft
land delineated and coloured red in the plan."

3. Thereafter, on 04.04.2018, the plaintiff had come forward with an amendment application, in which, it was contended that in the schedule consisting of the larger extent of lands, a smaller extent of land are not described in the schedule of the Property in question. Therefore, the plaintiff sought to include the smaller extent into the larger extent of land, by way of an amendment. The said amendment application was ordered. Challenging the same, the Revision Petitioner is before this Court.

4. Heard, the learned counsel for the Revision Petitioner.

5. A reading of the amendment application would clearly show that the respondent/plaintiff is not seeking to introduce a new subject matter or change the very nature of the Suit. It is only to give a better description of the property in question that the amendment is sought for and the smaller extent has been delineated in the plaint plan.

6. Therefore, I do not find any infirmity in the order passed by the Subordinate Judge, Udhagamandalam in I.A.No.105 of 2018 in O.S.No.97 of 2015.

7. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

tsg

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Subordinate Judge,
Udhagamandalam.

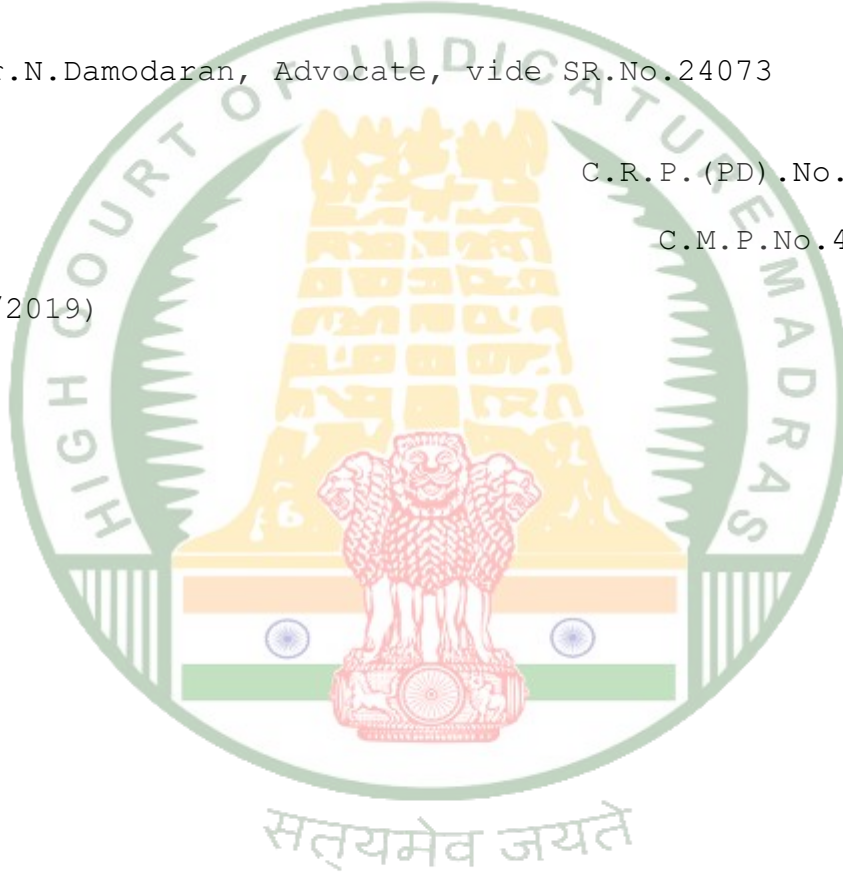
Copy to:-

The Section Officer,
V.R.Section,
High Court, Madras - 104.

+1cc to Mr.N.Damodaran, Advocate, vide SR.No.24073

C.R.P. (PD) .No.659 of 2019
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Kak (21/06/2019)



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