

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Dated : 20.02.2019**

CORAM

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

**C.R.P.(PD).No.610 of 2019**

**and**

**C.M.P.No.4102 of 2019**

R.Valarmathi

...Petitioner

Vs

1.Narendran  
2.Lakshmi  
3.Alagirisamy  
4.Gunasundari  
5.Krishnaveni

...Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Fair and Decreetal order dated 01.10.2018 made in I.A.No.550 of 2018 in O.S.No.236 of 2012 on the file of the Sub Court, Udumalpet.

For Petitioner : Mr.D.R.Arun Kumar

**ORDER**

The above Civil Revision Petition is filed challenging the order passed by the learned Subordinate Judge, Udumalpet, in the amendment petition filed by the revision petitioner in I.A.No.550 of 2018 in O.S.No.236 of 2012. The learned Judge has dismissed the application on the ground that batta had not been taken and the petitioner is dragging on the proceedings.

2.The application is one for amending the Plaint and it is seen that the respondents 2 to 4 had remained *ex parte* in the main suit and in the amendment petition, the Court had directed notice afresh to the respondents. Considering the fact that the respondents 2 to 4 were *ex parte* in the main suit, the learned Judge ought to have granted one more opportunity to pay batta instead of dismissing the petition.

Therefore, this Civil Revision Petition is allowed and the order of the learned Subordinate Judge, Udumalpet, is set aside and the Interlocutory Application in I.A.No.550 of 2018 is remitted back to the learned Subordinate Judge, Udumalpet, for fresh consideration. This Court directs the revision petitioner to comply with the order of the learned Subordinate Judge, within a week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

**20.02.2019**

Index : Yes/No  
Internet : Yes/No  
mps

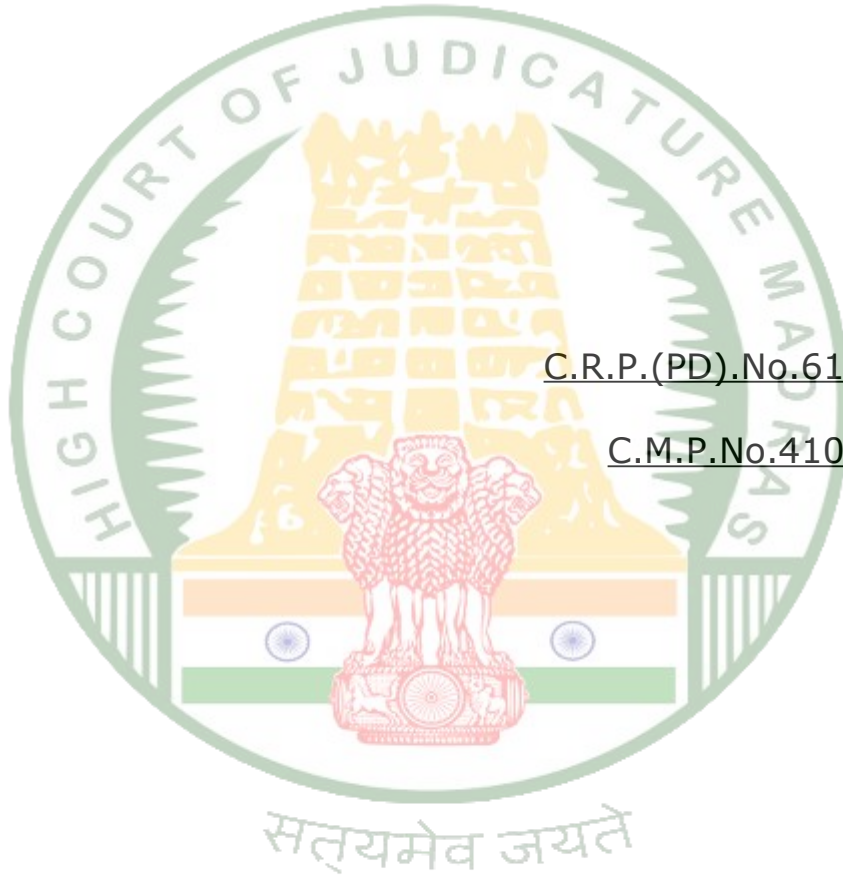
To

The Subordinate Judge,  
Udumalpet.

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**P.T. ASHA, J,**

mps



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