

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM:

THE HONOURABLE **MR. JUSTICE C.SARAVANAN**

C.R.P(PD).No. 1401 of 2015

and

M.P. No. 1 of 2015

Karupannan

... Petitioner

Vs.

Ayyasamy

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Judgment and decree dated 18.11.2014 made in I.A.No.251 of 2013 in O.S.No.194 of 2006 on the file of the District Munsif Court, Udumalpet in so far as partly dismissing the same.

For Petitioner : Mr.N.Umapathi

ORDER

The petitioner is the plaintiff in O.S.No.194 of 2006 before the District Munsif Court, Udumalpet by the impugned fair and decreetal order dated 18.11.2014. The lower Court has dismissed the application filed by the petitioner for an amendment of the plaint to substantiate the oral agreement with a written agreement dated 30.07.1997.

2. The suit has been filed for declaration and permanent injunction to restrain the respondent/defendant from interfering with the peaceful possession and enjoyment of the suit property. The application was resisted by the respondent on the ground that the application for amendment of the plaint was filed seven years after the suit came to be filed.

3. After the written statement was filed, the petitioner/plaintiff filed I.A.No. 251 of 2013 to amend the plaint, stating that the petitioner/plaintiff had entered into a written agreement with the respondent/defendant on 30.07.1997. The petitioner/plaintiff had filed a copy of the sale deed dated 11.11.2005, before the trial which was marked as P.W.1, according to him pursuant to the execution dated 30.07.1997 was signed between them.

4. The application was partly allowed and partly rejected on the ground that the petitioner/plaintiff has not filed a copy of the agreement dated 30.07.1997.

5. I do not find any merits in the present Civil Revision Petition

particular in the light of the fact that the suit itself has been filed for declaration and for an injunction. Consequently, I direct the District Munsif Court, Udumalpet to dispose the suit within a period of six months from the date of receipt of a copy of this order.

6. The present Civil Revision Petition is disposed of with the above directions. No cost. Consequently, the connected Miscellaneous Petition is also closed.

arb
Index : Yes/No
Internet : Yes/No

To

The District Munsif Court,
Udumalpet.

10.07.2019

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C.SARAVANAN, J.

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