

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM:

THE HON'BLE MR.JUSTICE **N.SATHISH KUMAR**

C.R.P.(PD).No.680 of 2012 and
M.P.No.1 of 2012

1. Venkatesan,
S/o.Gopal Nainar.

2. Krishnaveni,
W/o.Amirthalingam.

....
Vs.

Petitioners

1. R.Durai,
S/o.Rajamanickam.

2. R.Kumar,
S/o.Rajamanickam.

3. R.Sankar,
s/o.Rajamanickam.

4. Ramu Ammal,
W/o.Gopal Nainar.

5. Rajamanickam,
S/o.Thiruvambalam.

Respondents

Civil Revision Petition filed under Section 115 of CPC against the order dated 17.11.2011 in I.A.No.761 of 2005 in O.S.No.79 of 1999 on the file of the District Munsif Court, Polur, Thiruvannamalai District.

For Petitioners : Mrs.A.B.Reehana Begum
For RR1 to 3 : Mrs.Reshmii Christy
for Mr.K.V.Sanjeev Kumar

ORDER

This civil revision petition has been filed against the order of the Trial Court allowing the amendment application seeking to amend the correct name of the first plaintiff during the trial. The application has been filed by the first plaintiff to the effect that instead of giving his name as R.Appa Durai, he has filed the suit in the name of R.Durai, since he was called as R.Durai in the village, and the same is sought to be amended.

2. The first plaintiff's alias name R.Appa Durai has been reflected in the birth register, on the file of the Sub-Registrar, Kalasapakkam. The Trial Court, taking into consideration all the submissions of both sides, allowed the application, against which, the present revision has been filed.

3. Originally, the suit has been filed to cancel the sale executed by the father of the plaintiffs in favour of the first defendant on the ground that their father did not have valid title to convey the suit property. The above suit was opposed by the defendants on the ground that they acquired title and in fact, the plaintiffs' grandfather

had attested both mortgage deeds and in pursuant to the mortgage deeds, the property has been sold.

3. Heard both sides and perused the materials available on record.

4. The entire written statement, the identity of the parties are not in dispute. The trial Court has allowed the amendment considering the plea of the plaintiffs. The issue involved in the matter is with regard to the title of the property and not the identity of the person and the mere change of the first plaintiff's name, based on the record, would not cause any prejudice whatsoever to the defendants, since, primarily the suit itself is with regard to the rights of the parties. Hence, I do not find any error or illegality in allowing the amendment.

In view of the above observation, this civil revision petition is dismissed. Consequently, connected civil miscellaneous petition is closed. No costs.

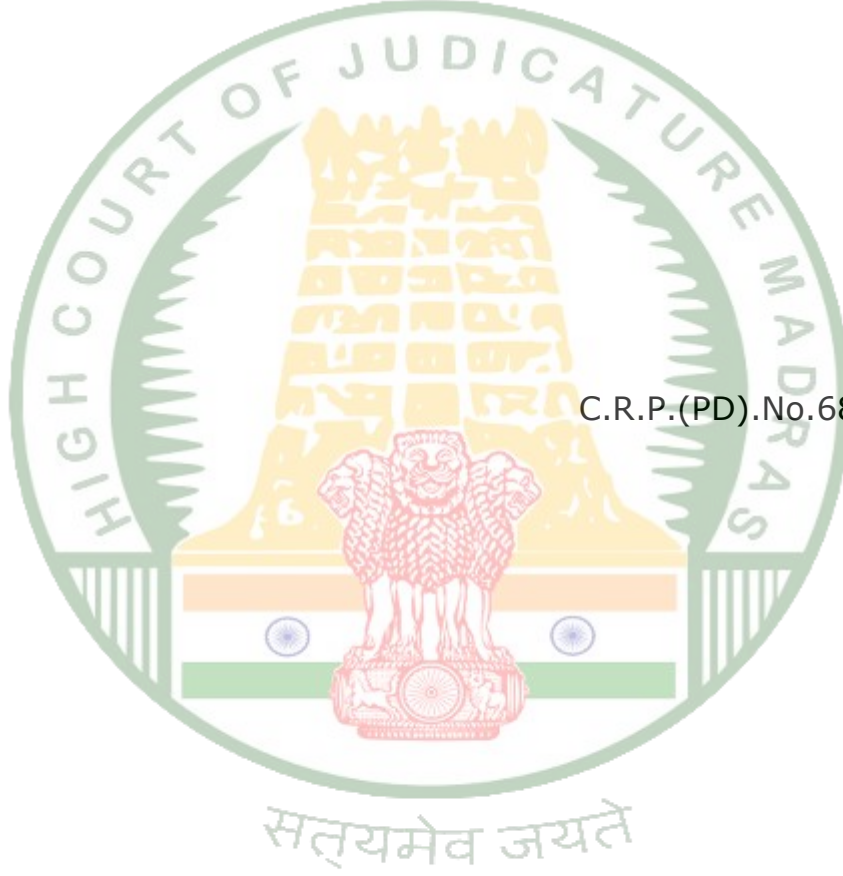
15.04.2019

Index:yes/No
Speaking/Non-speaking
nsd

N.SATHISH KUMAR,J.
nsd

To

The I Additional District Munsif,
Coimbatore.



C.R.P.(PD).No.680 of 2012

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