

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(PD).No.3877 of 2013
and M.P.No.1 of 2013

Subramaniam

... Petitioner

Vs.

1.Sellamuthu

2.Somasundaram

3.Rasammal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 11.09.2013 made in I.A.No.409 of 2013 in O.S.No.251 of 2007 on the file of the District Munsif cum Judicial Magistrate, Perundurai.

For Petitioners : Mr.N.Manokaran

For Respondents : No appearance

ORDER

Challenging the fair and final order passed in I.A.No.409 of 2013 in O.S.No.251 of 2007 on the file of the District Munsif cum Judicial Magistrate, Perundurai, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.251 of 2007 for permanent injunction. The defendants filed their written statement and are contesting the suit. After the completion of the trial and when the suit was posted for arguments, the plaintiff filed an application in I.A.No.409 of 2013 under Order 6 Rule 17 of the Civil Procedure Code to amend the plaint with regard to the suit Survey Number. According to the petitioner, the correct Re-survey Number is 95 and he has inadvertently mentioned the suit Survey Number as 96/11.

3.When the parties have filed the pleadings and also let in oral and documentary evidences in respect of the suit Survey Number (i.e.) 96/11 and when the suit was posted for arguments, the plaintiff has filed the application seeking for amendment of the plaint. The plaintiff should have filed the application at the earliest point of time and should not have filed the application after a lapse of six years, that too, when the suit was posted for arguments. The trial Court considering this aspect rightly dismissed the application.

4.In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected

miscellaneous petition is closed.

Index : Yes/No

20.09.2019

Internet : Yes

Speaking / Non-speaking order
va

To

1.The District Munsif cum Judicial Magistrate, Perundurai.

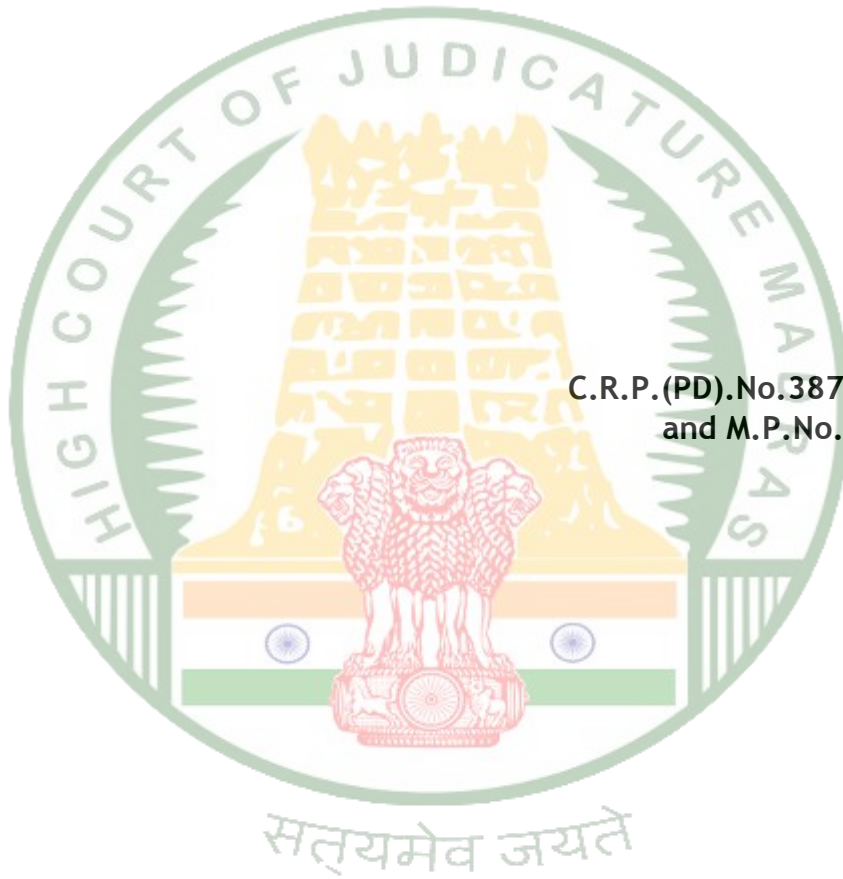


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M.DURAIWAMY,J.

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