

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2019

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.(NPD).No.1327 of 2019
and CMP.No.8715 of 2019

Sivasubramaniam Petitioner

Vs.

1. The District Collector,
Tiruchengode Road,
Namakkal.
2. The Revenue Divisional Officer,
Mohanur Road, Namakkal.
3. Thasildar,
Mohanur Road, Namakkal.
4. Pommasamuthiram Panchayat,
rep.by its President,
Pommasamuthiram Village,
Namakkal Taluk.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India pleaded to set aside the fair and decreetal order dated 22.11.2018 in I.A.No.19 of 2017 in A.S.No.20 of 2014 on the file of Additional Subordinate Judge, Namakkal.

For Petitioner : Mr.S.Saravanakumar

ORDER

The Civil Revision Petition has been filed to set aside the fair and decreetal order dated 22.11.2018 in I.A.No.19 of 2017 in A.S.No.20 of 2014 on the file of Additional Subordinate Judge, Namakkal.

2. The revision petitioner is the appellant. He filed application in I.A.No.19 of 2017 in A.S.No.20 of 2014 seeking to amend the plaint pleadings in O.S.No.528 of 2008 which had been partly dismissed. The suit O.S.No.528 of 2008 was dismissed with reference to the relief of declaration and mandatory injunction and decreed with reference to permanent injunction. The plaintiff had filed the appeal before the learned Additional Subordinate Judge, Namakkal in A.S.No.20 of 2014 with reference to the disallowed portion. Pending the appeal, the application subject matter of the revision has been filed in which the appellant/plaintiff has sought to amend the plaint.

3. From a perusal of the details of the amendment, it is seen that the plaintiff seeks to amend the cause title, pleadings, court fees, as well as the suit schedule and the relief pleaded. The plaintiff/appellant is introducing totally a new case and the same has been dismissed by the learned Additional Subordinate Judge, Namakkal and challenging the said

order, the revision petitioner filed the present civil revision petition.

3. As rightly pointed out by the learned Additional Subordinate Judge, Namakkal, amendment is made at the stage of appeal and further the appellant is attempting to fill up the lacuna and rectify the mistake that has been committed in the suit as a result of which the suit had only been partly allowed in favour of the appellant/revision petitioner. The learned Judge has rightly dismissed the said application and I do not find any infirmity in the order passed by the lower Court, accordingly the civil revision petition stands dismissed. No costs.

05.04.2019

Speaking order/Non-speaking order
Index : No
Internet : Yes
dpq

सत्यमेव जयते

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P.T.ASHA.J

dpq

To

1. The learned Additional Subordinate Judge,
Namakkal.
2. The District Collector,
Tiruchengode Road,
Namakkal.
3. The Revenue Divisional Officer,
Mohanur Road, Namakkal.
4. Thasildar,
Mohanur Road, Namakkal.
5. Pommasamuthiram Panchayat,
rep.by its President,
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