

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

THE HONOURABLE MS.JUSTICE P.T. ASHA

C.R.P. PD.No.1246 of 2019

and

CMP No.8074 of 2019

Maheswari

.. Petitioner

Vs.

1. Minor Mu. Vijai

2. Minor Mu.Ka. Kavinaya

Rep. by Next Friend Mother Saritha

3. Murugesan

4. Ramasamy

5. Arukkani

6. Valarmathi

7. Gandhimathi

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order in I.A. No.402 of 2018 in O.S. No.370 of 2014 dated 03.01.2019 passed by the Additional Subordinate Judge, Namakkal.

For Petitioner : Mr.A.M. Packanathan Easter

ORDER

The above Civil Revision Petition has been filed challenging the order

passed in I.A. No.402 of 2018 in O.S. No.370 of 2014, which is an application

filed by the plaintiff to amend the survey number as 240/ID2, in the schedule. Apart from the above, there is no other particulars that is sought to be changed in the original plaint. The said petition has been allowed and challenging the same, the defendants are before this Court.

2. As rightly pointed out by the learned Additional Subordinate Judge, Namakkal, neither the nature of the suit nor the subject matter of the suit has been undergoing to change and no prejudice would therefore be caused to the defendants. Hence, I find no infirmity in the order passed by the learned Judge and the Civil Revision Petition stands dismissed.

3. Since, the amendment petition has been filed at the time of trial which has commenced, the Learned Additional Subordinate Judge, Namakkal is directed to dispose of the suit in O.S. No.370 of 2014 on or before 30.06.2019.

No costs. Consequently, connected miscellaneous petition is closed.

29.03.2019

Internet: Yes/No

Index: Yes/No

Speaking order/Non-speaking order

vsi2

P.T. Asha J.

vsi2

To
The Additional Subordinate Judge, Namakkal.



C.R.P. PD No.1246 of 2019
and
CMP No.8074 of 2019

WEB COPY