

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP(PD).No.90 of 2016

and

CMP.No.481 of 2016

1.Ratansi Bhimji Patel

2.Dhayalal Mavaji Patel

.. Petitioners/Defendants

Vs

B.Rajappa

.. Respondent/Plaintiff

Civil Revision Petition filed under Article 227 of the Indian Constitution to setting aside the Fair and Decreetal Order of the learned District Munsif-Cum-Judicial Magistrate No.I, Hosur dated 02.11.2015 in I.A.No.70 of 2015 in O.S.No.28 of 2012 and to dismiss the said I.A.

For Petitioners : Mr.T.M.Hariharan

For Respondent : Mr.G.M.Anantha Kumar
for sole respondent

ORDER

The above Civil Revision Petition is filed challenging the order of amendment, which has been granted by the District Munsif-Cum-Judicial Magistrate No.I, Hosur, in I.A.No.70 of 2015 in O.S.No.28 of 2012, wherein, the only major amendment that is sought for, is to include the word "Easement" between the words

"declaring the" and "right" in prayer column "a", apart from making certain narrations with reference to enjoyment of properties by different persons. A Perusal of the original plaint would show that but for including the aforesaid word "easement" the claim of the plaintiff is only on the basis of an easement of necessity. Therefore, by amending the plaint the character or nature of the suit is not changed.

2 The learned District Judge has also taken into consideration this fact and had allowed the amendment application. The order of the learned District Munsif does not suffer from any infirmity and the same is confirmed. Therefore, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

सत्यमेव जयते

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Index:Yes/No

Internet: Yes/No

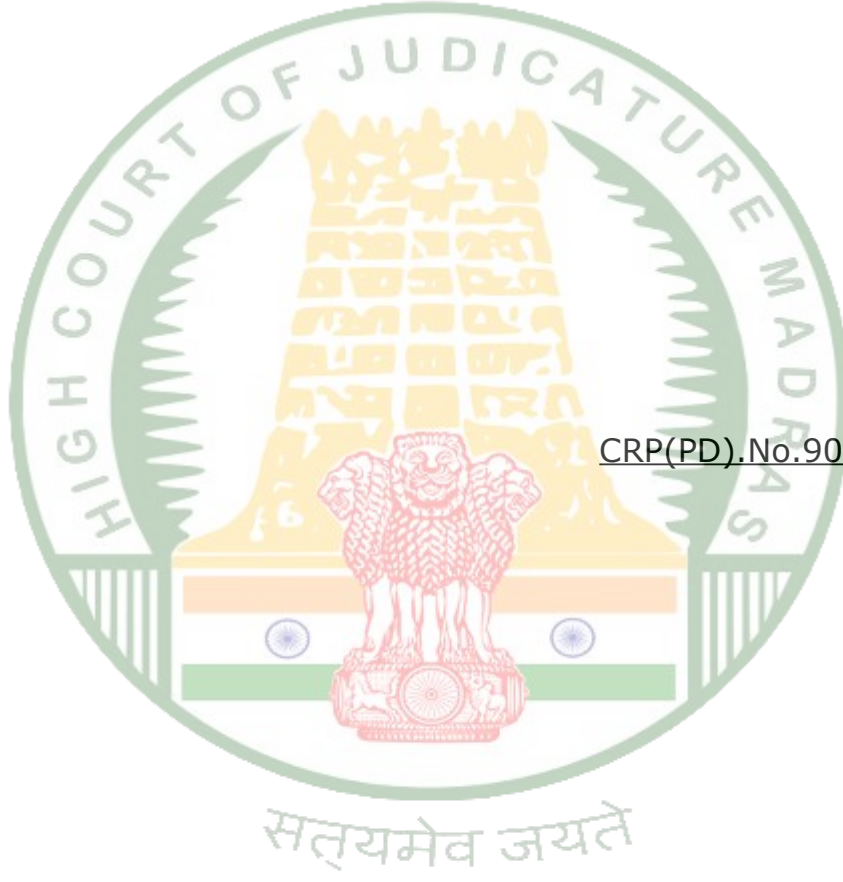
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To

<http://www.judis.nic.in>

The learned District Munsif-Cum-Judicial Magistrate No.I,
Hosur.

P.T.ASHA, J.
dua



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