

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(PD).No.1048 of 2014

and

M.P.No.1 2014

1.Sundaramoorthy

2.Rajendran

3.Nagarajan

4.Rajasekar

5.Krithika

... Petitioners

Vs.

Hasanudeen

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India, to set aside the fair and the decretal order dated 04.01.2014 passed in I.A.No.484 of 2012 in O.S.No.284 of 2010 on the file of the Principal District Munsif's Court, Chidambaram.

For Petitioners : Mr.R.T.Sezhian

For Respondent : Mr.A.Muthukumar

ORDER

The petitioners are the defendants in the suit in O.S.No.284 of 2010 filed by the respondent. It is stated that the second

petitioner/second defendant was an employee of the respondent and was in occupation of the premises.

2.Original Suit was filed for recovery of possession of the suit Schedule-B property and for permanent injunction against the petitioners from putting up any kind of superstructure in the suit Schedule-B property.

3.After the written statement was filed an application to amend the plaint was made vide I.A.No.484 of 2013 based on the Advocate Commissioner's report.

4.The amendment has allowed by the Principal District Munsif, Chidambaram vide impugned order dated 04.01.2014.

5.Aggrieved by the same, the petitioners/defendants preferred the Civil Revision Petition on the ground that the suit has filed for recovery of possession and injunction.

6.The learned counsel for the petitioner further submitted that the suit is of the year 2010 and amendment application was filed in the year of 2013 in the month of October and therefore the amendment was barred by the law in view of the Article 58 of the limitation Act.

7.It was therefore submitted that the lower Court erred in allowing the application filed by the respondent for amending the averments in the plaint and relief in the suit.

8.Mere amendment to the plaint does not mean that the suit itself has been decreed. Ultimately relief in the suit may can be granted only after trial and arguments. The petitioners are entitled to raise all legal defences including fact of limitation that are available before trial Court at the time of hearing.

9.Therefore, I am not inclined to allow the present Civil Revision Petition. The suit is of the year 2010. Nine years already gone since the suit was filed.

10.The District Munsif Court, Chidambaram shall therefore endeavour to complete the proceedings within a period of nine months from the date of receipt of a copy of this order.

11.The present Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

26.02.2019

Internet :Yes/No
Index:Yes/No

C.SARAVANAN, J.

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To

The Principal District Munsif's Court,
Chidambaram.



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