

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.2634 of 2019

and

CMP.No.17438 of 2019

1.Madhammal
2.Rathinammal
3.Sivagami

... Petitioners

Vs.

1.Kaliammal
2.Govindaraj
3.Muniraj
4.Venkatesh
5.Kasi
6.Veerabathran
7.Kaliammal

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decretal order dated 05.07.2019 passed in I.A.No.280 of 2019 in O.S.No.183 of 2017 by the learned District Munsif's Court, Dharmapuri.

For Petitioners : Mr.Arun Anbumani

For Respondents : Mr.V.Sakkarapani

ORDER

The plaintiffs are the revision petitioners before this Court. They filed a petition for amendment of plaint after the evidence of P.W.1 was over. The trial Court dismissed the petition stating that the amendment petition has been filed after the evidence of PW.1 was over. The trial Court has further observed that there is a direction by this Court to complete the trial within a period of six months and that permitting amendment will change the nature of the suit.

2. While going through the plaint documents, it is seen, that three documents dated 03.04.2008 have been shown as documents in the interim application and in fact they are marked during the examination of PW.1. It is found that there is no pleadings with regard to those documents. Hence, the petitioners have to amend the plaint in respect of the sale made by the 6th defendant through these documents. The trial is in the beginning stage. Since the documents are marked without objection, permitting the petitioner to amend the plaint will not in any way change the nature of the suit.

3. The learned counsel appearing for the respondent would vehemently oppose that these documents were available even at the time of filing of the suit and the petition seeking amendment of plaint has been

filed only to fill up the lacuna.

4. However, considering the fact that the documents were marked, without objection and taking note of the pleadings in the Interlocutory Application about those documents, this Court is of the considered opinion that permitting amendment of plaint will not change the nature of the suit.

5. Hence, the Civil Revision Petition is Allowed and the order passed in I.A.No.280 of 2019 in O.S.No.183 of 2017 by the learned District Munsif's Court, Dharmapuri dated 05.07.2019 is set aside.

6. The learned counsel for the respondent would further submit that the time limit granted by this Court will be over very soon.

7. Considering the same, this Court extends the time for completion of trial by further three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

13.08.2019

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M. GOVINDARAJ, J.

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Index:Yes/No
Internet:Yes/No
Speaking Order/Non Speaking Order

To

The Judge,
District Munsif's Court,
Dharmapuri .



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