

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

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

CRP.(NPD).No.3452 of 2017

and

CMP.Nos.16036 & 21544 of 2017

Jagadeesan

..Petitioner/Defendant

Vs

N.Subramani

..Respondent/Plaintiff

This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the petition and order dated 20.03.2017 made in E.A.No. 11 of 2017 in E.P.No. 50 of 2003 in O.S.No. 546 of 1994, on the file of the District Munsif Court, Thiruvallur.

For Petitioner : Mr.P.Gunaraj

For Respondent : Mr.M.S.Subramanian

ORDER

The above Civil Revision Petition is filed challenging the order passed in E.P.No. 50 of 2003 in O.S.No. 546 of 1994, wherein, the petition has been filed by the decree holder to amend only the survey number of the 'A' schedule property in E.P.No. 50 of 2003 as 509B/10B instead of 509/10B and to carry out the said amendment in the plaint and decree, dated 13.12.2002. The said application has been allowed and challenging the same, Judgment Debtor is before this Court.

2 In the document under which the respondent has purchased the property, the survey number has been given as 509/10B, whereas in all the earlier documents, the description of the property has been rightly given as 509B/10B. Hence, mentioning of survey number as 509/10B appears to be a typographical error, which has been rectified by the Court below and challenge to the said order was only on the ground that the entire property would have undergone a change and a new property was sought to be substituted. On considering the pleadings and the documents, it is seen that the boundaries continue to remain the same namely on the northern boundary is the Bathaniel Colony Battai, the southern boundary is the remaining extent of the land in 509B-10B, eastern boundary is the Keelpathai Street and the western land belongs to the dry land situated in survey No. 509B/10B. In fact the revision petitioner's Sale Deed only describes the property purchased by him as an undivided 0.03 $\frac{3}{4}$ cent out of a total extent of 54 cents. The property has not be demarcated by boundaries.

3 Considering the fact that the boundaries continues remain the same and the error is only a typographical one this Court does not find any infirmity in the order passed by the learned District Munsif Court, Thiruvallur.

4 In the result, the Civil Revision Petition stands dismissed and order passed in E.A.No.11 of 2017 in E.P.No. 50 of 2003 in O.S.No. 546 of 1994, on the file of the learned District Munsif Court, Thiruvallur, dated 20.03.2017 is confirmed. No costs. Consequently, connected miscellaneous petitions are also closed.

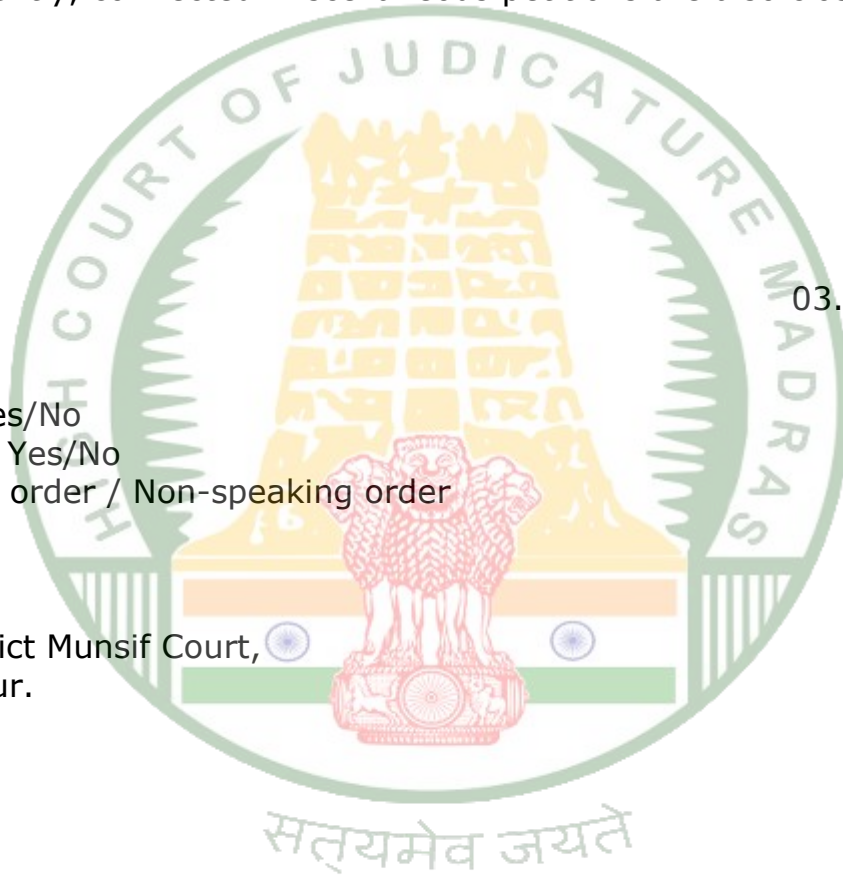
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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

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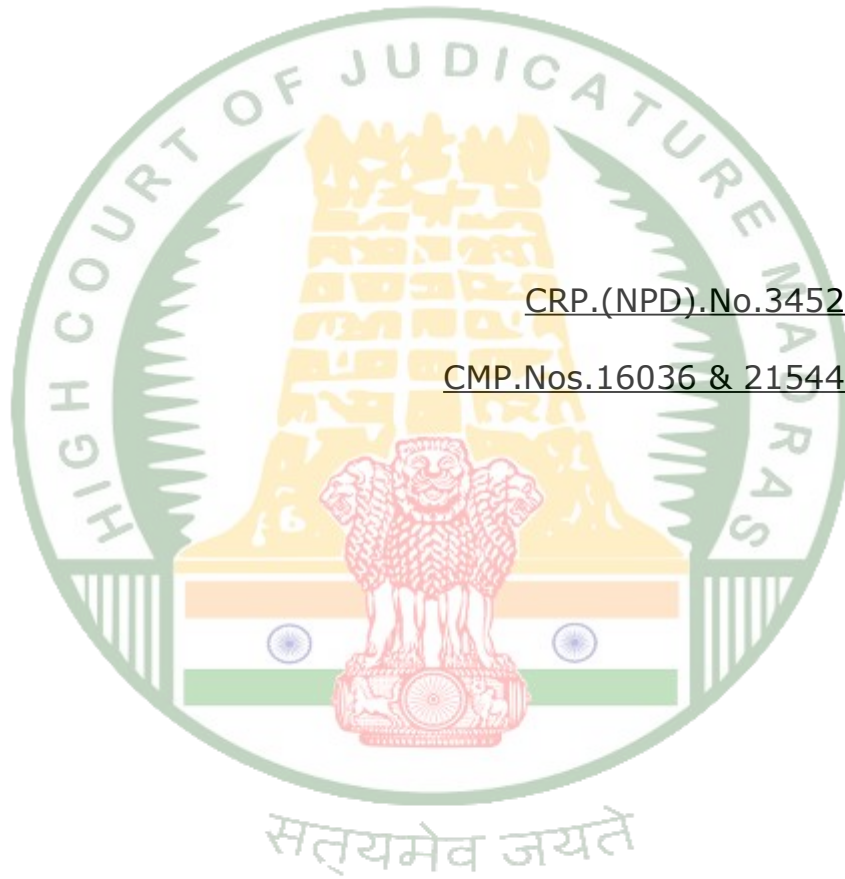
The District Munsif Court,
Thiruvallur.



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P.T.ASHA, J.

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