

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM:

THE HONOURABLE MS.JUSTICE P.T. ASHA

C.R.P. NPD No.4696 of 2017
and
CMP No.22084 of 2017

Anjalai

...

Petitioner

versus

1. Naguraan
2. Poongavanam
3. Thoppullan
- 4) Poongan
- 5) Annammal
- 6) Sankar
- 7) Nagammal
- 8) Umaiyal
- 9) Sillaraikagu @ Sugnathi
- 10) Nagamuthu

Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the docket order in E.A. SR 3233 of 2017 in E.P. 17 of 2015 in O.S. No.115 of 1996, dated 14.09.2017 on the file of the Principal District Munisif, Tindivanam.

For Petitioner : Mr.N. Suresh

For Respondents : Mr. J. Prithivi for R1

R3 and R4 - No appearance

R2, R5, R6, R7, R8, R9 and R10 - Not ready in notice.

ORDER

From the records, which has been sent to this Court, pursuant to the orders, it is seen that the legal heirs of the deceased 4th defendant Kannan have been brought on record in I.A. No.1222 of 2005 as early as on 25.01.2008. However, it is seen that the ministerial act of filing an amendment application to amend the short and long cause title to show that the legal heirs have been brought on record has not been done and without this being done, the decree has been passed.

2. Considering the above fact that the application has been moved and the legal heirs have been brought on record, this Court is remitting back the E.A. SR No.3233 of 2017 in E.P. No.17 of 2017 to the District Munsif, Civil Judge (Junior Division), Tindiavanam. The learned District Munsif shall permit the respondents / decree holder to carry out the amendment in consonance with the orders in I.A. No.1222 of 2005 and file necessary amendment petition and thereafter, file the amended copy of the plaint. The revision petitioner has no objection to the said petition being allowed when the application is filed before the Trial Court. After the amendment is carried out in the plaint, judgment and

decree can be suitably amended. The learned District Munsif shall take up the E.A. SR No.3233 of 2017 and pass necessary orders.

3. With the above directions, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.04.2019

Internet: Yes/No

Index: Yes/No

Speaking order/Non-speaking order
vsi2

Note to office : Registry is directed to send back the records, if any received from the lower Court, immediately.

To
The Principal District Munisif, Tindivanam.

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P.T. Asha, J.

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