

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 21.08.2019

CORAM

**THE HONOURABLE Mr.JUSTICE M.GOVINDARAJ**

C.R.P. (PD) 3401 of 2018

and

C.M.P. 19177 of 2018

Padmavathi

... Petitioner

Vs

C.Udhayakumar

... Respondent

**PRAYER :** Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 18.08.2018 passed in I.A.No.1352 of 2018 in O.S.No.23 of 2017 on the file of learned III Addl. District and Sessions Judge, Erode.

For Petitioner : Mr.V.Anandhamurthy

For Respondent : Mr.I.C.Vasudevan

**ORDER**

Aggrieved over the dismissal of the petition in I.A.No.1352 of 2018 filed for amendment, the petitioner/defendant is before this Court.

2. The case of the petitioner is that in the written statement, the amount borrowed was wrongly typed as Rs.5 lakhs instead of Rs.15 lakhs and that the respondent/plaintiff himself acted as a broker.

3. From a perusal of the written statement, the Trial Court did not find any supporting averment to substantiate that the amount was borrowed for a sum of Rs.15 lakhs, but in fact, it was typed as Rs.5 lakhs in words also. The further amendment was sought to include the name of the petitioner, which runs contrary to the defence taken by the petitioner in his written statement. Therefore, the Trial Court has rightly dismissed the petition for amendment. However, it is seen that in Sl. Nos. 4 and 6, the amendment sought to be made as follows :-

“4. Delete the 08.04.2016 in written statement para 7 line 8 and added 08.09.2019.

6. Delete the 05.06.2016 in written statement para 8 line 1 and added 05.10.2016.”

Wherein, there is some typographical errors has crept in. Therefore, the fair and decreetal order of the Trial Court passed in I.A.No.1352 of 2018 in O.S.No.23/2017 dated 18.08.2018 is

set aside partly permitting amendments in respect of Serial Nos.4 and 6 alone. Accordingly, the present Civil Revision Petition stands disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

**21.08.2019**

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To

III Addl. and Sessions Judge,  
Erode at  
Gobichettipalayam.

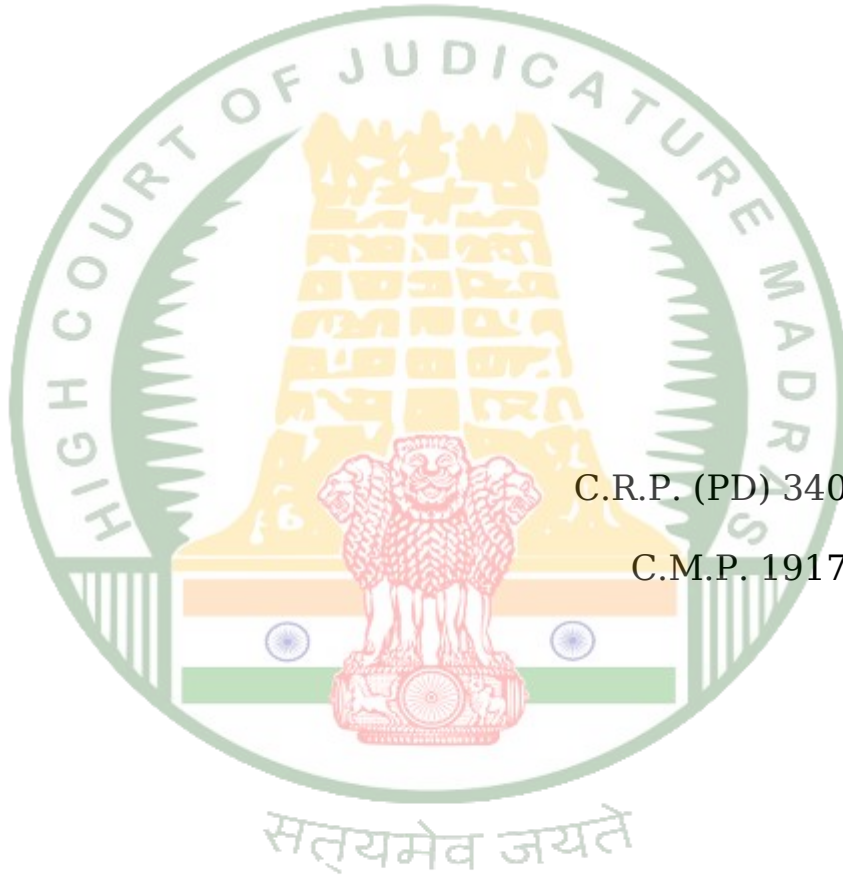


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C.R.P. (PD) 3401 of 2018

**M.GOVINDARAJ,J.**

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