

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(PD).No.641 of 2014

and

MP.No.1 of 2014

Aravind Leathers Exports (P) Ltd.,
No.6, Anna Salai,
Pammal Road, Nagalkenni,
Chennai - 600 044.
Rep.by its Director, Mr.T.D.Mukudan

... Petitioner

Versus

- 1.S.Nasira Anjan
- 2.Zarina Parveen
- 3.Zaghidha Parveen
- 4.Shahid Parveen
- 5.Muneer Ahmed
- 6.Yasmeen Sultan
- 7.Zeenath Parveen
- 8.Irshad Ahmed
- 9.Nageena Bathool
- 10.Aiysha Siddiq
- 11.Faiz Ahmed
- 12.Shadab Ahmed

13.Hafas Nazneen

14.Madeena Farheen

15.N.Ravi

16.S.Ganjendran Babu

17.R.Lakshmi

18.J.Anandan

19.Sasikala

20.A.S.Baskaran

21.S.Jayanthi

22.The Sub-Registrar,
Pallavaram Registrar's Office,
Pallavaram, Chennai.

... Respondents

Civil Revision Petition filed under Section 227 of the Constitution of India, pleased to allow the Civil Revision Petition in so far as the disallowing portion of the order in I.A.No.168 of 2011 in O.S.No.918 of 2007, dated 02.02.2012 on the file of the Additional District Munsif Court, Alandur.

For petitioner : Mr.G.Jeremiah

For Respondents : No Appearance

ORDER

The petitioner is the plaintiff in O.S.No.918 of 2007 on the file of the ADM, Alandur, seeking injunction restraining from the defendant alienating or encumbering the suit property.

2.After received summons, the defendants filed a written statement in O.S.No.918 of 2007 of the suit properties, which have already sold to the defendants 1 to 14 and hence, after perusing the written statement, it is

made clear that the plaintiff was advised to file amendment petition, seeking to challenge the sale deed by way of amendment and sought relief for declaration, to declare the alleged sale deeds are null and void and also amendment of name of the plaintiff, since the plaintiff name was wrongly mentioned as Aravind Leathers P.Ltd., instead of Aravind Leather Exports P.Ltd.,. After a trial the Trial Court has partly allowed the petition. However the correction of name of the plaintiff was allowed and the relief portion of amendment was rejected to amend in the prayer. Hence, the present Civil Revision Petition is filed before this Court.

3.Though notice served to the respondents and the name was also printed in the cause list, but none appeared on behalf of them.

4.After going through the pleadings and affidavit filed thereon, this Court is of the considered view that the plaintiff was not aware of the alleged sales that said to have been executed by the defendant and came to know about the said factum of the said fatal position from the written statement, he has taken steps to amend the prayer and the question of limitation shall be gone into at the time of trial.

5.Hence, the present civil revision petition is allowed and the order passed in I.A.No.168 of 2011 dated 02.02.2012 is set aside and the Trial Court is hereby directed to proceed with the case after aforesaid the amendment. After affording the opportunity they have to file an additional

written statement if any and complete the trial, within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, with the above observation and direction, the Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

05.12.2019

Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order

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To

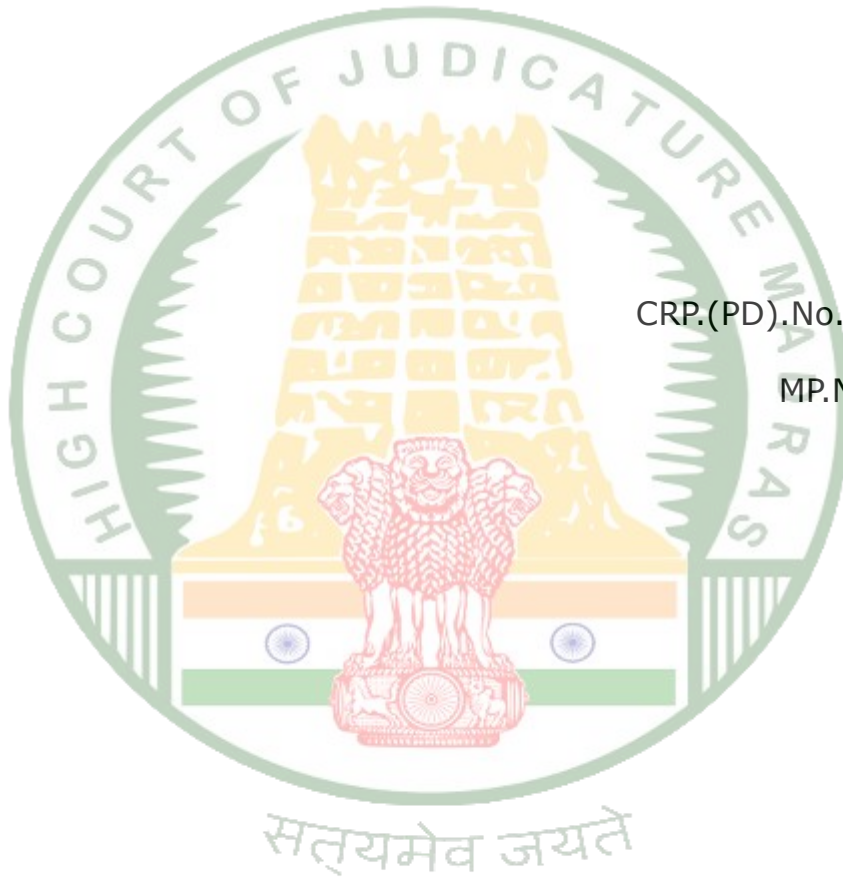
The Additional District Munsif Court, Alandur.



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RMT.TEEKAA RAMAN,J.,

klr



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