



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2009

CORAM:

THE HONOURABLE MR.JUSTICE **R.S.RAMANATHAN**

Review Application No.73 of 2009

in

CRP.No.903 of 2006

P.Selvi

: Petitioner

Vs.

1.Veerammal

2.P.Palamuthu

3.P.Nataraja Pandian

4.P.Latha

5.P.Annakili

: Respondents

PRAYER : Review Application filed under Order 47 Rule 1 and 2 read with Section 114 of CPC against the order of this Court dated 31-07-2007 in CRP PD(MD) No.903 of 2006.

CRP PRAYER: Revision filed under Section 227 of the Constitution of India against the fair order dated 11.10.2006 made in IA.No.707 of 2006 in OS.No.937 of 2003 on the file of the learned Principal District Munsif, Madurai Town.

For Petitioner: Mr.R.Ganesan

For respondents:Mr.G.R.Swaminathan

O R D E R

This review application was filed for reviewing the order passed in CRP(PD)(MD)No.903 of 2006. The Civil Revision Petition No.903 of 2006 was filed against the order made in I.A.No.707 of 2006 in O.S.No.937 of 2003 before the learned Principal District Munsif, Madurai Town dated 11-10-2006. I.A.No.707 of 2006 in O.S.No.937 of 2003 was filed by the defendants to receive additional written statement under Order 8 Rule 9 of CPC and that petition was dismissed by the lower Court, against which the Civil Revision Petition No.903 of 2006, was filed.

2.After hearing the arguments of the learned counsel, this Court has proceeded as if I.A.No.707 of 2006 was filed to amend the written statement and that was dismissed by the lower Court and therefore, having regard to the fact that the application is for amending the written statement, the order of the lower Court in I.A.No.707 of 2006 was set aside on payment of cost of Rs.2,000/-.

3.The learned counsel for the review petitioner submitted that admittedly I.A.No.707 of 2006 was filed for receiving the additional written statement, but this Court proceeded on the basis that I.A.No.707 of 2006 was filed for amendment of written statement and



5. This Court has proceeded on erroneous presumption that I.A.No.707 of 2006 was filed for amending the written statement and on that basis allowed the same, whereas, I.A.No.707 of 2006 was filed to receive the additional written statement. Therefore, there is an error apparent in the record and the order is liable to be set aside and the review application is allowed.

Sd/-
Assistant Registrar(P & A)

Sub Assistant Registrar (CS)

The Principal District Munsif, Madurai Town.

+1 CC to Mr.G.R.Swaminathan, Advocate, Sr.No.32669

qsr

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TR : 26.10.2009 : 2P/3C