



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP(MD) No.449 of 2018
and
C.M.P. (MD) No.1975 of 2018

1.Subbaiah
2.Parvathinathan
3.Natarajan
4.Chellammal
5.Murugakumari

... Petitioners/Petitioners/Plaintiff

vs.

1.Velu
2.Paramasivan
3.Kannan
4.Nagarajan
5.Antony Prince

... Respondents/Respondents/Defendants

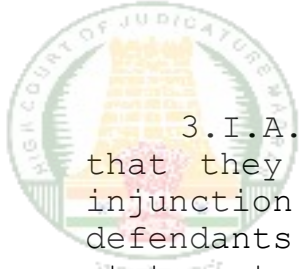
PRAYER:- Civil Revision Petition filed the under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order dated 08.02.2018 made in I.A.No.823 of 2017 in O.S.No.140 of 2015 on the file of the learned I Additional District Munsif, Tirunelveli and set aside the same.

For Petitioners	: Mr.K.C.Ramalingam
For R1	: No appearance
For R2	: Mr.T.Chandrasekaran
For R3	: Mr.H.Arumugam
For R4	: No appearance
For R5	: Mr.T.Selvam

ORDER

This Civil Revision Petition has been filed to set aside the order dated 08.02.2018 made in I.A.No.823 of 2017 in O.S.No.140 of 2015 on the file of the learned I Additional District Munsif, Tirunelveli.

2.Before the trial Court, the petitioners herein are the plaintiffs and the respondents herein are the defendants. For the sake of convenience, the parties will be referred to as per their rank before the trial Court.



3.I.A.No.823 of 2017 was filed by the plaintiffs by stating that they have filed a suit in O.S.No.140 of 2015 for permanent injunction with regard to the suit property, in which, the defendants have also filed their written statement. In the written statement, the defendants contended that without seeking for the relief of declaration, the relief of permanent injunction was sought by the plaintiffs, which is not maintainable. Hence, the plaintiffs filed a petition for amending the prayer that was sought in the plaint. The third defendant in his counter statement contended that after a period of 2 1/2 years from the date of filing of the suit, the said petition was filed and hence, the petition filed by the plaintiffs has to be dismissed. Further, the third defendant contended that the suit property values more than Rs.3 lakhs, which is out of pecuniary jurisdiction of this Court. Therefore, the defendants sought for dismissal of the above said petition filed by the plaintiffs.

4.After considering the contention raised on either side, the trial Court has discussed the maintainability of the said petition. The trial Court observed the value of the suit property, in which, the plaintiffs are claiming right. The relief of declaration and injunction for the plaint schedule property ought to have been properly granted by assigning the market value of the suit property.

5.In view of the above, the order dated 08.02.2018 made in I.A.No.823 of 2017 in O.S.No.140 of 2015 on the file of the learned I Additional District Munsif, Tirunelveli, is very much reasonable since without seeking for the relief of declaration, the relief of permanent injunction was sought by the plaintiffs.

6.This Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The I Additional District Munsif, Tirunelveli.

+1 CC to M/s.K.C.RAMALINGAM, Advocate in SR-60054

+1 CC to M/s.T.SELVAN, Advocate in SR-60221

+1 CC to M/s.H.ARUMUGAM, Advocate in SR-60500

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