



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**C.R.P(MD)No.508 of 2019**  
**and**  
**C.M.P(MD)No.2518 of 2019**

Jeyapandi

.. Petitioner/  
Plaintiff

Vs.

1.Ramu @ Gurunathan

2.Murugan

3.Ganesan

4.Karuppaiah

5.Mariappan

6.Pandikani

7.K.Angamoorthy

.. Respondents/  
Defendants

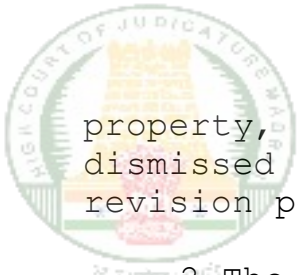
**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.08.2018 made in I.A.No.128 of 2018 in O.S.No.513 of 2011 by the District Munsif Court, Tirumangalam.

For petitioner : Mr.J.Senthil Kumaraiah

For Respondent No.1 : Mr.I.Suthakaran

**ORDER**

The petitioner / plaintiff filed the suit in O.S.No.513 of 2011 for the reliefs of declaration and permanent injunction in respect of the suit property, on the basis of the partition deed dated 30.12.2008. The petitioner / plaintiff was examined as P.W.1. During cross-examination, he denied the four boundaries of the suit property and in order to amend the schedule of suit



property, he filed I.A.No.128 of 2018. The Court below has dismissed the said petition, against which, the present civil revision petition has been filed.

2.The learned counsel for the petitioner / plaintiff would submit that the petitioner / plaintiff filed the amendment petition seeking to correct the four boundaries of the suit property, which would not alter the nature of the suit. But, the Court below has erroneously dismissed the amendment petition. Thus, he prayed to set aside the order passed by the Court below.

3.Learned counsel for the first respondent would submit that the petitioner was examined as P.W.1 and he was cross-examined partly. At that stage, the petitioner with some ulterior motive has filed the application. The learned counsel for the first respondent also contended that after filing of the suit, the petitioner had created document and registered the same. The Court below after considering the same, has rightly dismissed the amendment petition. Thus, he prayed to dismiss the revision.

4.Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on record.

5.The petitioner had filed amendment application to amend the description of the property, which will alter the very nature of the suit and this amendment has been sought after the commencement of the trial. The learned Judge finding that the amendment of description of the suit property, will only give an inference that there is no cause of action existing on the date of filing of the suit, had rightly dismissed the application as it will change the very nature of the suit, which does not warrant any interference at the hands of this Court. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Munsif,

<https://hcservices.hcourtsonline.com/>



2.The Record Keeper,-2 copies

V.R. Section,

Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.I.SUTHAKARAN, Advocate( SR-68700[F] dated  
14/06/2019 )

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate ( SR-69111[F] dated  
17/06/2019 )

smn

**ORDER MADE IN**  
**C.R.P (MD) No.508 of 2019**  
**and**  
**C.M.P (MD) No.2518 of 2019**  
**14.06.2019**

KM/(28.06.2019) 3P 6C