



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2019

CORAM:

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THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P.(MD) (PD).No.2345 of 2018

and

CMP(MD).No.10404 of 2018

R.Rajamanickam

:Petitioner/ Petitioner/
Plaintiff

Vs.

1.R.Nagamani
2.S.P.Sounthirapandiyan
3.Santhoshkumar

4.The Joint Sub Registrar No.II,
Office of the Joint Sub Registrar No.II,
Madurai Road, Virudhunagar Town,
Virudhunagar Circle,
Virudhunagar District.

:Respondents/ Respondents/
Defendants

PRAYER: Civil Revision Petition has been filed under Article 227 of Civil Procedure Code to call for the order and decreetal order dated 12.02.2018 in I.A.No.6 of 2018 in O.S.No.83 of 2016 on the file of the learned Principal District Munsif Court, Virudhunagar and set aside the same.

For Petitioner

: Mr.T.Pon Ramkumar

For Respondents 1 to 3

:Mr.C.Dhanaseelan

For 4th Respondent

:Mr.N.Murugan

ORDER

This Civil Revision Petition has been filed against the order and decreetal order dated 12.02.2018 in I.A.No.6 of 2018 in O.S.No.83 of 2016 on the file of the learned Principal District Munsif Court, Virudhunagar.

2.The above said I.A was filed by the petitioner herein before the learned Principal District Munsif Court, Virudhunagar for amendment in the cause title to be added as President in Virudhunagar Hindu Nadar's Vegetable and Fruits Vendors Association along with the name of the plaintiff and that omission was kept in only by way of typographical error. Further, it is stated that the petitioner is the President of the said Sangam. However, the name of the petitioner alone was stated in the cause title. Therefore, the



petitioner sought for amending the name of the petitioner as President of the said Sangam in the cause title.

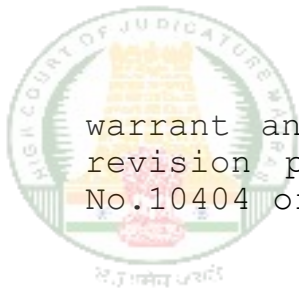
3. In the counter statement filed by the third respondent, it is contended that the petitioner came forward with the petition seeking amendment in the cause title of the main suit. It is further contended that the main suit was posted for further examination. After examining P.W.1, it is very much admitted by the petitioner herein that he has filed the suit in his favour and he has also admitted that the suit property has to be registered in favour of the third respondent as per the agreement dated 22.08.2012. Hence, he cannot seek for amendment. The other contention raised by the third respondent is that the proposed amendment changes the cause of action and also the nature of the suit which was filed by the plaintiff in independent capacity. Therefore, the proposed amendment is not at all maintainable. Further, the contention raised that the Secretary of the association alone is competent to sue and to be sued as per the by-law of the association. Hence the third respondent contended that there is no merit in the said application.

4. The trial Court, after verifying the contentions raised by both sides and also counter filed by the third respondent, it has given a finding that the said petition was filed only after examination of the plaintiff and further observed that the petitioner has not taken any steps to rectify the said typographical error. Further, it is also observed that the question of filing a petition for amending his name as President of Virudhunagar Hindu Nadar's Vegetable and Fruits Vendors Association in the cause title does not arise. Hence the said petition was dismissed by the Trial Court.

5. On the side of the petitioner, it is argued that as per the documents in Ex.A6, the plaintiff was selected by the member of the Sangam and therefore, cause title has to be amended as claimed by him.

6. On the other hand, it is argued by the respondent that it is his own admission that he has filed the application seeking amendment in the cause title only in his favour. It is contended that he is a president that has been very much known by the respondent. The petitioner who claims himself as a president ought to have filed the suit in that post whereas in the cause title his name alone has been mentioned in the main cause title and therefore, amendment cannot be made even as per his own admission.

7. This is Court is of the view that even if the cause title changes, it will not serve any purpose in deciding the issue involved in the case. Hence, in view of the contention raised by the both the parties and on perusal of the records, the order dated 12.02.2018 in I.A.No.6 of 2018 in O.S.No.83 of 2016 on the file of the learned Principal District Munsif Court, Virudhunagar does not



warrant any interference by this Court. Accordingly, the civil revision petition is dismissed. No costs. Consequently, CMP(MD). No.10404 of 2018 is also dismissed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS-)

To

The learned Principal District Munsif Court,
Virudhunagar.

+1 CC to M/s.T.PON RAMKUMAR, Advocate (SR-50305[F] dated 27/02/2019)

+1 CC to M/s.C.DHANASEELAN, Advocate (SR-50724[F] dated 28/02/2019)

+1 CC to M/s.SPL GP (SR-50952[F] dated 01/03/2019)

Order Made in
C.R.P. (MD) (PD) .No.2345 of 2018
and

CMP (MD) .No.10404 of 2018
27.02.2019

vsg

TK/SAR- /28.05.2019/3P/5C