

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) Nos.2883 & 2884 of 2018
and CMP No.16927 of 2018

B.Srinivasan

... Petitioner in both CRPs

Vs

M.Ekambara Pathar

... Respondent in both CRPs

Common Prayer: The Civil Revision petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 13.04.2018 made in I.A.Nos.447 and 476 of 2016 in O.S.No.72 of 2016 on the file of the learned Subordinate Judge, Maduranthagam.

For Petitioner

in both CRPs

: Mr.N.Sankaravadivel

For Respondent

in both CRPs

:Mr.M.S.Palaniswamy

COMMON ORDER

The defendant in O.S.No.72 of 2016 has come up with these revisions challenging the orders made by the trial Court in I.A.Nos.447 and 476 of 2016. The applications were filed by the plaintiff seeking amendment of the plaint as well as the petition for injunction.

2. The suit was laid by the plaintiff for declaration of his tile and permanant injunction restraining the defendants from interfering with his possession. The plaintiff claimed that he is the successful bidder at the Auction dated 13.12.1995 held by the Government and he was also put in possession of the property pursuant to the confirmation of the Auction on 13.07.1998.

3. The plaintiff traces his title to the suit filed by the Government against one Veerasamy Mudaliyar, Ex-Village Munsif, who has misappropriated the Government funds, for recovery of money in O.S.No.35 of 1972. The said suit was decreed and in the execution of the said decree, the Government purchased the suit property. But the Government could not

take possession. The Government filed another suit for recovery of possession and the same was decreed. After the said decree, the Government had taken possession of the property and had auctioned it by way of public Auction on 13.12.1995. Claiming that certain dates and the suit numbers are wrongly given, the plaintiff had sought for amendment of the plaint.

4. A perusal of the details of the amendment shows that the plaintiff seeks to incorporate only the correct details regarding the number of the suit and the further proceedings which had taken place. All the details that are sought to be introduced by way of an amendment are details of judicial proceedings that had taken place in the Courts and the amendment is also pretrial amendment. The application for amendment has been filed within three months from the filing of the suit. The trial Court has considered these facts and allowed the application.

5. I have heard Mr.N.Sankaravadivel, learned counsel appearing for the petitioner.

6. The learned counsel would contend that the plaintiff wants to project a new case of title and the amendment sought would lead to complete change of the character of the suit.

7. I am unable to agree with the contentions of the learned counsel for the petitioner for the simple reason that the amendment sought for, does not alter the nature of the suit or the cause of action. The plaintiff wants to correct certain mistakes that had occurred and to supply the omission to state about the subsequent suit filed by the Government. I do not see any illegality or irregularity in the order of the trial Court to enable interference in this Civil Revision. The Civil Revision petitions therefore fail and are dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

20.11.2020

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Index: Yes/No
Speaking order / Non speaking order

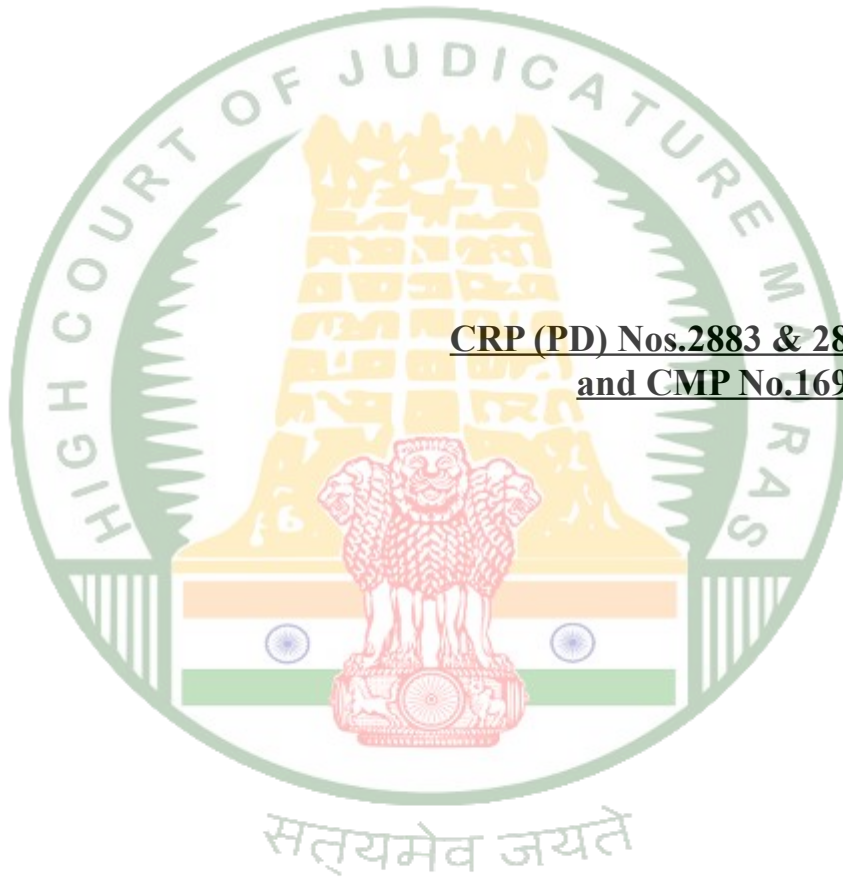
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R.SUBRAMANIAN, J.

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To

The Subordinate Judge,
Maduranthagam.



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