

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.NO.1862 OF 2020

AND

CMP.NO.11180 OF 2020

Rajagopal

...Petitioner

Versus

Rajamanicam (died)
R.Harikrishamoorthi

...Respondent

Civil Revision Petition filed under Section 227 of the Constitution of India, praying to set aside the fair and final order dated 24.10.2019 passed in I.A.No.445 of 2016 in O.S.No.558 of 2005 on the file of the Additional District Munsif Court, Thiruchengodu.

For petitioner : Mr.B.Jawahar

ORDER

The defendant in the suit in O.S.No.558 of 2005 is the revision petitioner herein.

2.The respondent/plaintiff filed the suit for declaration of title and for mandatory injunction to remove the superstructure put up in the land in Survey No.299/5(C). After contest, the suit was decreed on 24.10.2019, thereafter he filed an execution petition in REP.No 3 of 2013. The defendant raised the point that as per decree the survey number is S.No.299/5 not Survey No.299/5(C). Hence, the plaintiff filed an application to amend the above said correct Survey number in the decree passed by the Court below, and the said application was allowed by the learned District Munsif, by correcting the survey number as S.No.299/5(C), only based on the discussions made in the paragraph No.18 & 20 in the judgment in O.S.No.558 of 2005. Hence, the present Civil Revision Petition before this Court.

3.The learned counsel for the petitioner would contend that the survey number was amended in the Decree but not amended in the Judgment. After perusing the plaint schedule, defendant's

written statement, proof affidavit of PW.1, DW.1 and other documents, the subject matter of the suit property is in survey number S.No.299/5(C). It is properly mentioned except at the paragraph No.21 of the judgment, which is the operative portion of the judgment.

4.It appears that based upon the operative portion of the judgment, originally a decree was drafted, showing the survey number as S.No.299/5(C). After the order in I.A.No.445 of 2016, it was amended as S.No.299/5(C).

5.As rightly pointed out by the learned counsel for the petitioner the survey number is mentioned as S.No.299/5 in paragraph No.21 instead of Survey No. 299/5C and it has to be amended or otherwise in the event of his success in the appeal, there will be again a multiplicity of proceedings. In exercising power conferred upon by this Court I hereby direct the learned District Munsif, Thiruchengodu, to amend paragraph No.21 of the judgment as survey number in S.No.299/5(C) instead of survey number in S.No.299/5.

6.With these observations and direction, the Civil Revision Petition is disposed of to the limited extent indicated above . No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CJ CONF)

//True Copy//

Sub Assistant Registrar

klt

To

The Additional District Munsif, Thiruchengodu.

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