

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

CORAM:

**THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN**

C.R.P.(NPD) No.3080 of 2007  
and  
M.P.No.1 of 2007

1.Balakrishnan (Died)  
2.Subbulakshmi  
(2nd petitioner brought on record as  
L.Rs of the deceased sole petitioner  
vide order of Court dated 29.07.2016 by  
MVMJ made in C.M.P.No.11384/16 in  
C.R.P.No.3080 of 2007

...Petitioners

..Vs..

1.Rajkumar  
2.Kannagi

...Respondents

**PRAYER:** Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the fair and decretal order of the Additional District Judge (Fast Track Court) at Namakkal dated 08.02.2006 made in I.A.No.36 of 2005 in A.S.No.345 of 2002.

For Petitioner :Mr.S.Mukunth

For Respondents :Mr.S.Saravanakumar  
For M/s.V.Krishnan

**ORDER**

This Civil Revision Petition has been filed against the order in I.A.No.36 of 2005 in A.S.No.345 of 2002 wherein the petition filed for amendment of the decree in terms of the judgment was rejected.

2. The petitioner/plaintiff filed a suit in O.S.No.324 of 1992 on the file of the learned Additional District Munsif, Namakkal for declaration of his title in respect of a wall and for Permanent Injunction. The suit was decreed.

3. By a decree dated 18.08.1995 in O.S.No.324 of 1992, the suit was decreed in respect of wall-point Nos.W1,W2,W3 and against which the defendants have filed A.S.No.345 of 2002. The said appeal was dismissed with an observation that the plaintiff is also entitled for wall point Nos.W4,W5,W6 shown in the sketch. Though in the Judgment, the point has been considered, a technical mistake appears to have been made in the decree and therefore, on noticing the same, the plaintiff had filed the present I.A which stands dismissed on an erroneous appreciation of a factual condition.

4. On verification of the orders passed in A.S.No.345/02, it is seen that at Para No.8 of the order, the Lower Appellate Court has categorically held that on behalf of the plaintiff W4,W5,W6 wall they have also remitted additional court fee and also amended the prayer and paid additional court fee. Accordingly, the Court below had given a declaration extending from W1,W2,W3 to W4,W5,W6 and hence, the order passed by the learned Additional District Judge, Namakkal is set aside and the I.A.No.345 of 2002 is allowed.

5. In the result, this Civil Revision Petition is allowed. No costs. Consequently, connected M.P is closed.

सत्यमेव जयते

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Index:Yes/No

Speaking Order:Yes/No

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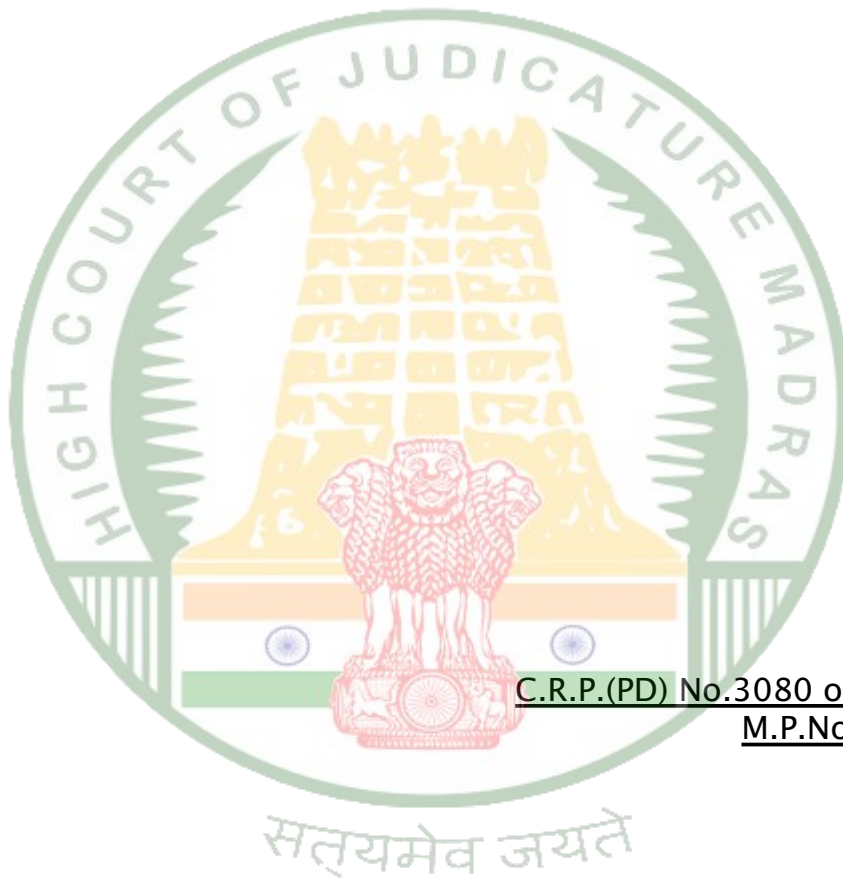
The Additional District Judge (Fast Track Court) at Namakkal

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RMT.TEEKAA RAMAN,J.,

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