

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.Nos. 3971 & 3973 of 2018

and

C.M.P.No. 22407 of 2018

1.G.Valli Ammal
2.G.Gopi
3.G.Babu
4.G.Dhamodharan
5.V.Vijaya
6.K.Amudha
7.K.Gopal
8.M.Ramesh
9.E.Rajkumar
10.R.Ganesan

...Petitioners in both
CRPs/Plaintiffs

Vs.

1.K.Gopi
2.K.Sankar
3.K.Arumugam
4.K.Elumalai

...Respondents in both
CRPs/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal orders dated 19.07.2018 passed in I.A.Nos. 111 of 2018 and 112 of 2018 in O.S.No. 42 of 2017 on the file of the I - Additional District and Sessions Judge, Vellore, Vellore District.

For Petitioners in both CRPs : Mr.R.Karthikeyan

For Respondent in both CRPs : Mr.Chandrasekaran

C O M M O N O R D E R

The defendants in O.S.No. 43 of 2017, aggrieved by an order made in I.A.No. 111 of 2018 and 112 of 2018 allowing the plaintiff to amend the schedule property in the suit as well as the injunction application have come up with this revision.

2. The amendment that is sought for reads as follows:-

"In the schedule of property and also in the body of the plaint, after description of the survey number 32/2 the words "which has been renumbered as S.No.32/3" has to be included. Similarly after the description of the S.No. 32/3 the words " which has been renumbered as S.No.32/2" has to be inserted wherever the context requires."

3.This application was resisted by the defendant contending that the plaintiff cannot substitute the property in the place of the suit properties and the claim that the survey numbers have changed is false.

4. The Trial Court, upon a consideration of the material concluded that the proposed amendment which has been sought before the trial, does not alter the nature of the suit or cause of action. What is sought to be introduced is only the new survey number along with the old survey number. There is no deletion or addition of property in the suit. All that the amendment sought for is to include words, "which has been renumbered as 32/3". I do not think any prejudice could be said to be caused to the defendant because of the amendment. The Trial Court has rightly applied the law relating to the amendment and allowed the applications. I therefore, see no perversity in the findings of the Courts below in order to enable me to entertain this revision. In view of the above, this civil revision petition fails and it is accordingly dismissed. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kkn

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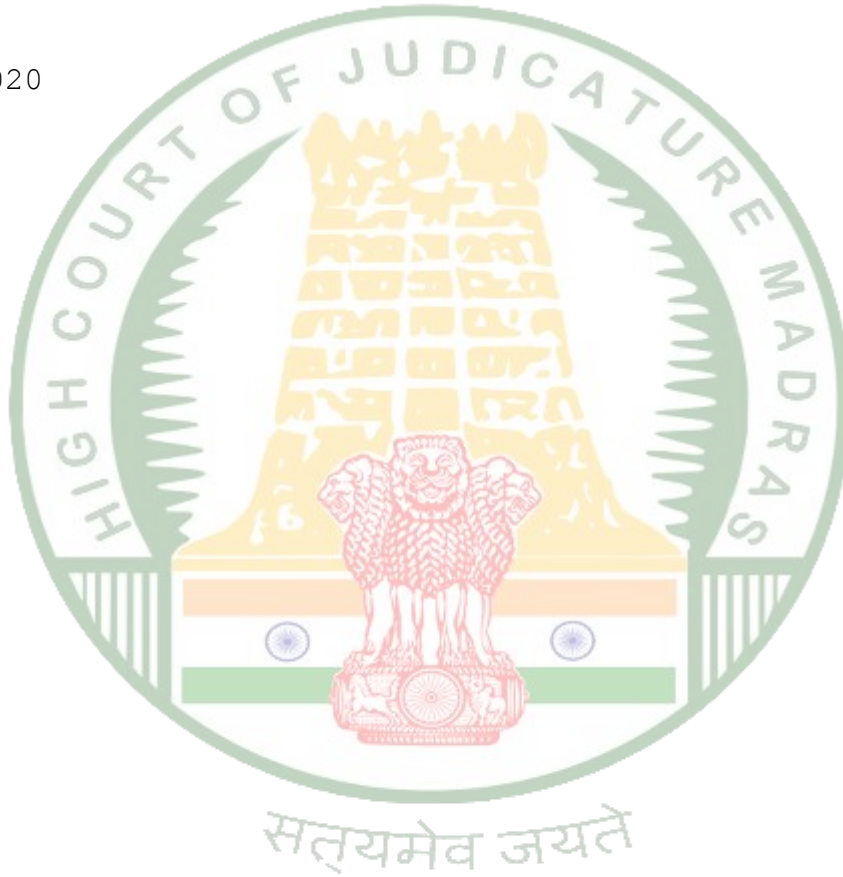
To:-

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The I - Additional District and Sessions Judge,
Vellore, Vellore District.

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