



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.R.P (PD) (MD) Nos. 1206 to 1208 of 2013

and

MP (MD) .No.1 of 2013

1. Vairamuthu
2. Rakkan
3. Ramaiah
4. Mahalingam
5. Mangalam

... Petitioners/
2,4,5,6,7 Respondents/
2,4,5,6,7 Defendants
[in all the Civil Revision Petitions]

Vs.

1. Kalimuthu

... 1st Respondent/
Petitioner/Petitioner/Plaintiff

2. Kameswari

... 2nd Respondent/3rd Respondent
3rd Respondent/3rd Defendant
[in all the Civil Revision Petitions]

Prayer in C.R.P (PD) (MD) No.1206 of 2013: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.672 of 2012 in I.A.No.43 of 2009 in O.S.No.8 of 2002, on the file of the District Munsif, Ramanathapuram.

Prayer in C.R.P (PD) (MD) No.1207 & 1208 of 2013: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.Nos.673 and 674 of 2012 in O.S.No.8 of 2002, on the file of the District Munsif, Ramanathapuram, respectively.

For Petitioners: Mr.S.Muthukrishnan
[in all the Civil Revision Petitions]

For Respondents: Mr.P.Senthurpandian for R1
No Appearance for R2
[in all the Civil Revision Petitions]



COMMON ORDER

Civil Revision Petition in C.R.P(PD) (MD)No.1206 of 2013, has been filed by the petitioners, to set aside the fair and decreetal order passed in I.A.No.672 of 2012 in I.A.No.43 of 2009 in O.S.No.8 of 2002, on the file of the District Munsif, Ramanathapuram. Civil Revision Petitions in C.R.P(PD) (MD)Nos.1207 and 1208 of 2013 have also been filed by the petitioners, to set aside the fair and decreetal order passed in I.A.Nos.673 and 674 of 2012 in O.S.No.8 of 2002, on the file of the District Munsif, Ramanathapuram.

2. The revision petitioners are the defendants 2 to 7 and the first respondent is the plaintiff and the second respondent is the third defendant in the suit.

3. The first respondent/plaintiff filed a suit for partition in O.S.No.8 of 2002, on the file of the District Munsif Court, Ramanathapuram and the preliminary decree was passed in his favour on 30.10.2007. Subsequently, in final decree application in I.A.No.43 of 2009, to ascertain the physical features, an Advocate Commissioner was appointed, who inspected the property and filed his report. In the said report, it was made clear that the boundary for the 4th schedule and survey number for the 9th schedule were mistakenly mentioned in the plaint and final decree. Therefore, the first respondent/plaintiff had filed applications in I.A.No.672 of 2009 in I.A.No.43 of 2009, I.A.No.673 of 2009 in O.S.No.8 of 2002 and I.A.No.674 of 2009 in O.S.No.8 of 2012, on the file of the District Munsif Court, Ramanathapuram, praying to amend the plaint and preliminary decree and the said applications were allowed.

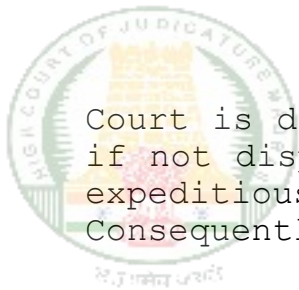
4. Aggrieved over the same, the revision petitioners/defendants have filed these present Civil Revision Petitions.

5. Heard the learned Counsel for the parties and perused the materials available on record.

6. The learned Counsel appearing for the revision petitioners/defendants contended that if the amendments are permitted, then the case has to be reopened for fresh consideration and hence, prayed for the dismissal of this Civil Revision Petition.

7. Upon perusal of the materials on record, this Court is of the considered view that the amendment questioned in these Civil Revision Petitions do not change the subject matter of the suit, but only proceeded to correct the inadvertent error committed in the plaint.

8. In such view of the matter, this Court is not inclined to interfere with the order passed by the lower Court and accordingly, these Civil Revision Petitions are dismissed. However, the lower



Court is directed to dispose of the main suit in O.S.No.8 of 2002, if not disposed of earlier, on merits and in accordance with law as expeditiously as possible, preferably within six months. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

pkn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

District Munsif,
Ramanathapuram.

Copy to:

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+3 CC to M/s.P. SENTHUR PANDIAN, Advocate (SR-23694, 23695, 23696
[F] dated 02/12/2020)

C.R.P (MD) Nos.1206 to 1208 of 2013

02.12.2020

PK (CO)

NR (17/12/2020) 3P : 7C