



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (MD) No.150 of 2020

and

C.M.P. (MD) No.836 of 2020

Pattamuthu ... Petitioner / Respondent / Defendant

Vs.

Maragathamoopanar ... Respondent / Petitioner / Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 16.12.2019 made in I.A.No.2 of 2019 in O.S.No.88 of 2012, on the file of the Additional District Munsif Court, Ambasamudram.

For Petitioner : Mr.D.Nallathambi

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order of the Trial Court in allowing the amendment, seeking declaration in respect of suit second schedule of property. The Trial Court has granted such relief and allowed the amendment.

2. Taking note of the fact that the Court fee has been rightly paid even at the time of suit has been filed. Therefore, mere change of prayer in the suit will not prejudice the rights of the other side in anyway and allowed the application.

3. I have perused the entire materials.

4. Admittedly, the defendant has set up an independent title over the property. Such being the position, merely the prayer has been amended will not cause any prejudice to the defendant. Further the defendant can also raise an objection by way of filing an additional written statement for asserting her rights. Same would be decided on the basis of evidence adduced. In such view of the matter, I do not find any infirmity or illegality in the order passed by the Trial Court. Accordingly, the Civil Revision Petition is liable to be dismissed.



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5. In the result, the Civil Revision Petition is dismissed.
No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Additional District Munsif Court,
Ambasamudram.

+1 CC to Mr.D.NALLATHAMBI, Advocate (SR-3546[F] dated 29/01/2020)

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