



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2020

CORAM:

THE HONOURABLE **MRS. JUSTICE R. THARANI**

C.R.P.(MD)No.308 of 2020

and

C.M.P.(MD)No.1788 of 2020

WEB COPY

O.Meenakshi Sundaram

.. Revision Petitioner/
Petitioner/Plaintiff

Vs.

Vadamalayammal

.. Respondent/Respondent/
Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 07.01.2020 in I.A.No.1 of 2019 in O.S.No.359 of 2004 on the file of the District Munsif, Bodinayakanur.

For Appellant

: Mr.K.Sekar

For Respondent

: Mr.M.Kaliraj

ORDER

This Civil Revision Petition is filed against the order, dated 07.01.2020 in I.A.No.1 of 2019 in O.S.No.359 of 2004 on the file of the District Munsif Court, Bodinayakanur.

2. Heard both sides.

3. On the side of the revision petitioner, it is stated that the petitioner has filed a petition to amend the prayer, restricting the claim to an extent of 1 acre 40 cents (1.40 acres) instead of 1 acre 92 cents (1.92 acres) and hence prayed for amendment.

4. On the side of the respondent, it is stated that the case in S.A.(MD)No.85 of 2018 has been remanded back by this Court, by observing that the respondent herein / defendant is entitled to file an additional written statement and the petitioner herein /plaintiff is entitled to file reply statement and no permission is granted by the Court to amend the prayer.

5. Originally the claim of the revision petitioner is that the petitioner obtained the properties by way of mortgage and due to lapse of time they attained ownership. The first and second amendments sought for by the revision petitioner creates a new case as if 1/3rd rights was already in favour of the plaintiffs and such amendments, at this stage, cannot be permitted. The revision petitioner fairly admits that it would sufficient, if the third amendment is allowed.



6. The trial Court already allowed the amendment petition only with regard to the boundary recitals, now, the petition is allowed for amendment in the measurement of the property, the petitioner sought for amendment to reduce the extent from 1.92 acres to 1.40 acres.

7. The learned counsel appearing for the respondent has no serious objection in allowing this amendment alone.

8. Hence, this Civil Revision Petition is partly allowed, permitting the petitioner to make amendment in the extent of the property alone. With regard to the first and second amendments this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C.S.II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

To

1.The District Munsif Court,
Bodinayakanur.

2.The Section Officer,
VR Section,(2 copies)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SEKAR, Advocate (SR-7518[F] dated 21/02/2020)

+1 CC to M/s.M.KALIRAJ, Advocate (SR-7685[F] dated 21/02/2020)

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