



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.R.P. (MD) No.939 of 2020

and

M.P. (MD) No.6113 of 2020

Sangeetha Rajeshwari

...Revision Petitioner/3rd Respondent/
3rd Defendant

-Vs-

1.Rajshree Sugars and Chemicals Ltd.,
though its General Manager,
office at Varadarajnagar,
Gullapuram,
Periyakulam Taluk,
Theni District.

..1st Respondents /Petitioner /Plaintiff

2.Shanmugam

3.Raju Kone

..2nd and 3rd Respondents/1st and 2nd
Respondents/1st and 2nd Defendants

4.The District Collector,
Theni District, Theni

5.The Tahsildar,
Periyakulam Tahsildar Office,
Periyakulam,
Theni District.

...4th and 5th Respondents/ 4th and 5th
Respondents/4th and 5th Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.02.2020 passed in I.A.No.1 of 2019 in O.S.No.155 of 2018, on the file of the learned Subordinate Court, Periyakulam and allow this Civil Revision Petition.

For Petitioner : Mr.C.Arulvadivel @ Sekar

O R D E R

This revision petition is filed by the third defendant in O.S.No.155 of 2018 on the file of the Sub Court, Periyakulam, challenging the order allowing an application for amending the plaint filed by the plaintiff under Order 6 Rule 17 CPC in I.A.No.1 of 2019.



2. As per the affidavit filed by the plaintiff, the above said application came to be filed, when it came to know from the written statement of the defendants that they have encroached a portion of the property belonged to it. The trial Court has observed in its order that the plaintiff owns about 100 acres and has accepted the contention of the plaintiff/first respondent herein that it is humanly impossible for them to supervise the entire 100 acres on daily basis and hence, when once it has come to the knowledge about the alleged encroachment, the plaintiff has come up with the application. On the face of it, this Court does not find any irregularity or impropriety in the order of the trial Court.

3. This Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta/Cm

To:

1.The Subordinate Court, Periyakulam.

2.The Section Officer (2 copies)

V.R.Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C. ARUL VADIVEL @ SEKAR, Advocate (SR-23714[F] dated 02/12/2020)

C.R.P(MD) No.939 of 2020

and

C.M.P. (MD) No.6113 of 2020

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