

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP.NPD.No.338 of 2005

1. Kundiammal
2. Selvaraj
3. Renganathan

... Petitioners/Appellants

Vs.

1. Manickam (died)
2. Rajammal (died)
3. Unnamalai
4. Perummayyi
5. Mariammal
6. Mathesh
7. Murugesan
8. Subramani
9. Raja
10. Ramar
11. Valli
12. Pushpa

[RR2 to 7 brought on record as LR's of the deceased R1 viz., Manickam vide order of Court dated 11.12.2019 made in CMP.No.1059 of 2012 in CRP.No.338 of 2005]

[RR8 to 12 brought on record as LR's of the deceased R2 viz., Rajammal vide order of Court dated 11.12.2019 made in CMP.No.14340 of 2019 in CRP.No.338 of 2005]

... Respondents/Respondents

PRAYER: The Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to set aside the order of the learned District Munsif, Mettur in I.A.No.499 of 2000 in O.S.No.363 of 1997 dated 05.10.2001 and allow the same.

For Petitioner : Mr.M.Murugesan

For Respondents : Died (Steps taken)
(for R1 &R2)
Mr.P.Mani (for R3 to R13)

O R D E R

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.499 of 2000 in O.S.No.363 of 1997 dated 05.10.2001 on the file of the learned District Munsif, Mettur, thereby, dismissing the petition filed by the petitioner for amendment of the plaint.

2. The petitioners are the plaintiffs. They filed the said suit as against the respondents herein for specific performance, in respect of the suit property. The respondents 1 and 2 were absent before the trial Court and they were set ex-parte, pursuant to which, after passing the judgment and decree dated 06.03.1998, after period of two years, the petitioners have filed a petition to amend the schedule of the property including the boundaries.

3. Admittedly, the suit was decreed on 06.03.1998. After period of two years, the petitioners filed application for amendment to include the boundaries in the schedule mentioned property. After decree, it cannot be amended and that too, the application was filed after a period of two years. Therefore, the trial Court rightly dismissed the petition and this Court finds no irregularity or infirmity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The District Munsiff, Mettur.

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