

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.1121 of 2018
and CMP No.5857 of 2018

M.Kajamohideen

...Petitioner

Vs

1.Mappillai Mohideen

2.Shakul Hameed

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 09.08.2017 made in I.A.No.776 of 2017 in O.S.No.36 of 2014 on the file of the Additional District Munsif Court, Villupuram.

For Petitioner : Mr.Ramesh Kumar

For R1 : Mr.M.V.Seshachari

For R2 : No appearance

ORDER

This Civil Revision Petition is directed as against the fair and decreetal order dated 09.08.2017 made in I.A.No.776 of 2017 in O.S.No.36 of 2014 on the file of the Additional District Munsif Court, Villupuram, thereby dismissing the petition seeking amendment.

2. The petitioner is the plaintiff and the respondents are the

defendants. The petitioner filed a suit for recovery of possession in respect of the suit property. The petitioner, when filing the suit, wrongly mentioned the survey number, extent and dates. Those mistakes were only typographical error which will not change the nature of the suit nor take away the defence available to the respondents. However, the Court below dismissed the petition for the reason that though notice was served, the respondents did not appear before the Court below and failed to file any counter.

3. On perusal of the petition seeking amendment revealed that all the amendments sought for by the petitioner are only typographical error committed by the petitioner when the suit was filed. Therefore, it would not change the nature of the suit and would not cause any prejudice to the respondents.

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4. In view of the above, the order passed in I.A.No.776 of 2017 in O.S.No.36 of 2014, dated 09.08.2017, on the file of the Additional District Munsif Court, Villupuram, is set aside and the Civil Revision Petition is allowed. No costs. Consequently, connected

miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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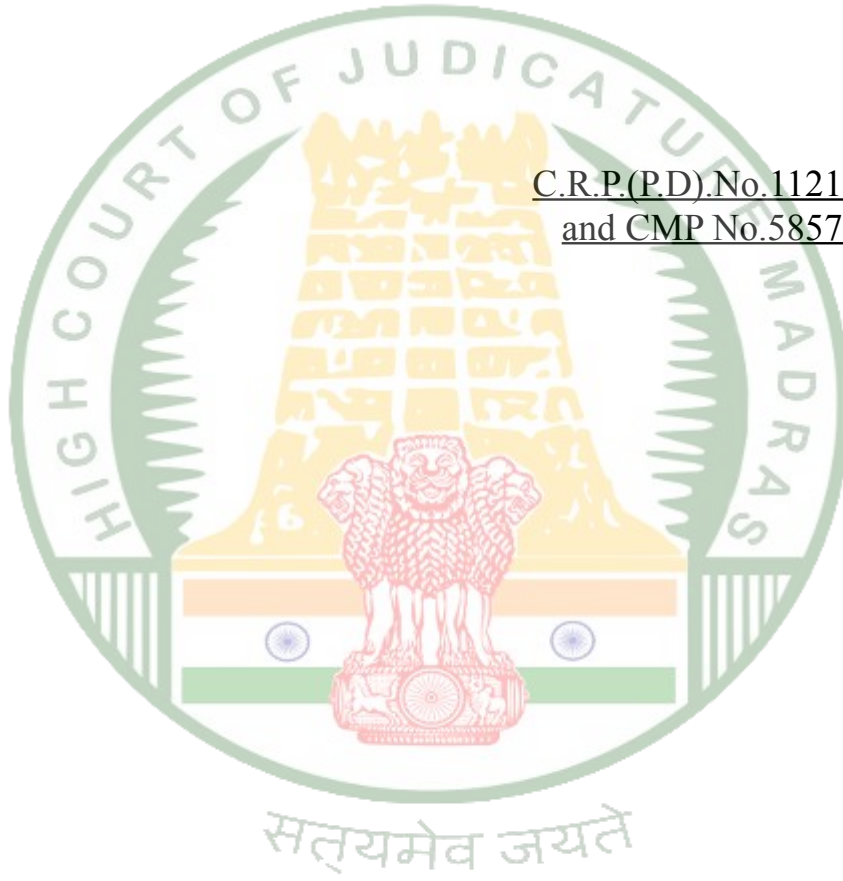
To
The Additional District Munsif,
Villupuram.



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G.K.ILANTHIRAIYAN.J,

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