

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD)Nos.2387 & 2388 of 2018
and C.M.P.Nos.14743 & 14744 of 2018

Thangavel

.... Petitioner in
both CRPs

Vs.

1. Nachammal
2. Dhandapani
3. Dhanalakshmi
4. Ramathal
5. Chitra
6. Valliathal
7. Sumathi
8. Duraisamy Goundar

... Respondents in
both CRPs

Common Prayer :- Civil Revision Petitions are filed under Article 227 of the Constitution of India to set aside the fair and decreetal orders dated 07.03.2018 in I.A.No.877 of 2017 in O.S.No.12 of 2009 and I.A.No.876 of 2017 in O.S.No.13 of 2009 respectively, on the file of the District Munsif Court, Dharapuram, by allowing the Civil Revision Petitions.

For Petitioner
in both CRPs : Mr.R.Rajarajan

For Respondents
in both CRPs : No appearance

COMMON ORDER

These Civil Revision Petitions are directed as against fair and decreetal orders dated 07.03.2018 passed by the learned District Munsif, Dharapuram, in I.A.No.877 of 2017 in O.S.No.12 of 2009 and I.A.No.876 of 2017 in O.S.No.13 of 2009 respectively, thereby dismissing the petitions seeking amendments.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suits in O.S.Nos.12 & 13 of 2009 for declaration and injunction in respect of the suit properties. Pending the suit, the petitioner filed the petitions in I.A.Nos.877 & 876 of 2017, seeking amendment to correct the survey numbers and details in the schedule of properties, which were happened due to clerical and typographical error. The petitioner also wanted to add subsequent events. The trial Court dismissed both the petitions as against which, the petitioner filed the present Civil Revision Petitions.

3. In the plaint, the petitioner categorically stated that the petitioner's father already filed suit in O.S.No.320 of 2002 before the District Munsif Court, Dharapuram, for partition and it was decreed in his favour by the judgment and decree dated 22.12.2004. Aggrieved by the same the defendants in that suit filed appeal suit in A.S.No.5 of 2007 before the Sub Court, Dharapuram and it is pending. Now the appeal suit was dismissed and final decree was passed and the Execution proceeding is pending. Therefore, the subsequent event is very much necessary and it would not cause any prejudice to the respondents herein. Further the clerical and typographical error in the plaint has to be amended and it would not change the nature of the suit and cause of action of the suit.

4. In view of the above discussions, the orders dated 07.03.2018 passed by the learned District Munsif, Dharapuram, in I.A.No.877 of 2017 in O.S.No.12 of 2009 and I.A.No.876 of 2017 in O.S.No.13 of 2009 respectively, are hereby set aside and the petitions for amendments are allowed. The respondents are permitted to file their additional written

statement for the amended plaints. Further, the trial Court viz., District Munsif, Dharapuram, is directed to dispose the suit within a period of six months thereafter.

5. With the above directions, both the Civil Revision Petitions are allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

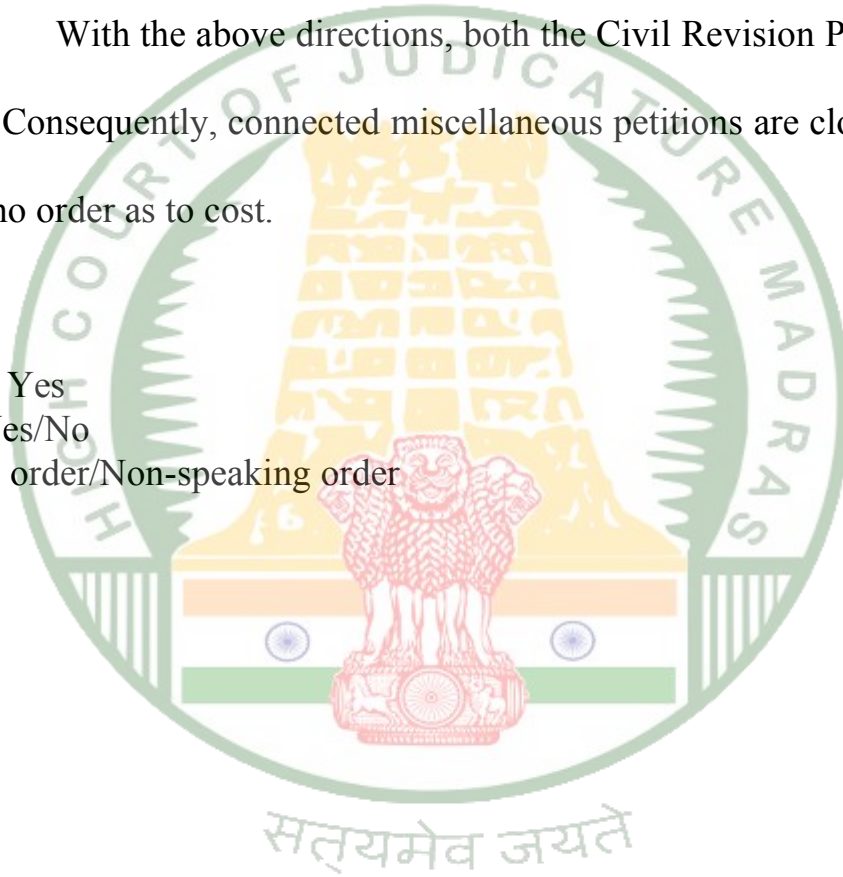
12.07.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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To

1. The District Munsif,
Dharapuram.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

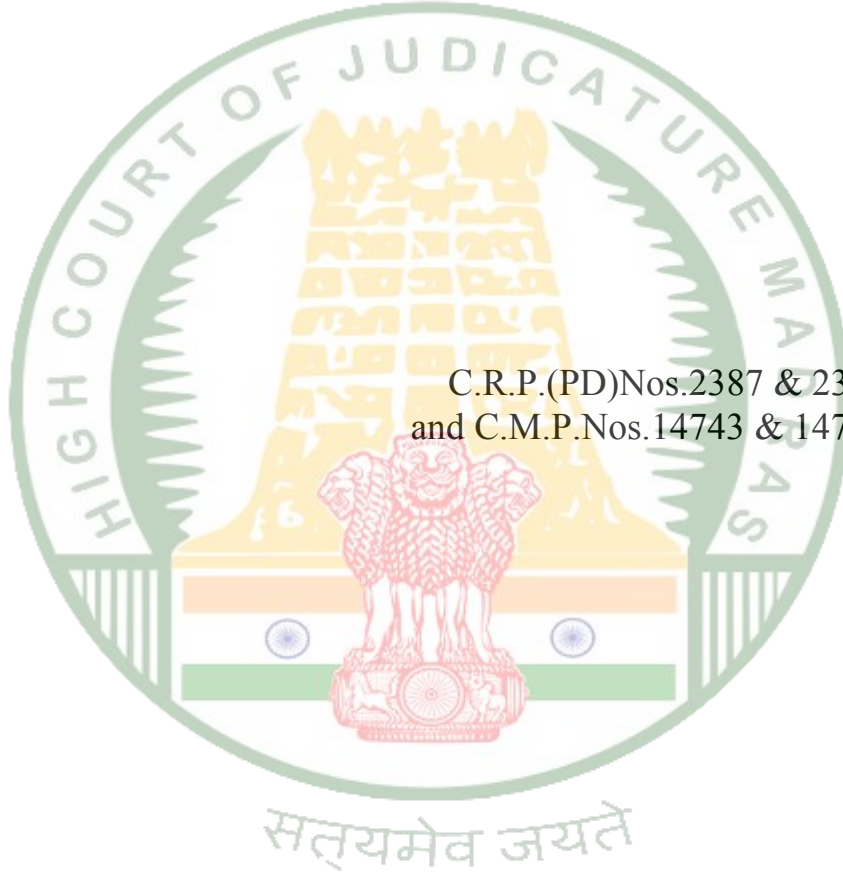


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G.K.ILANTHIRAIYAN, J.

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