IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

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

C.R.P.PD.No.2496 of 2018
and
C.M.P.No.15250 of 2018

Chakravarthy ... Petitioner

Vs.

Dhanasekar ... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.56 of 2016 in O.S.No.16 of 2010 dated 13.04.2018 on the file of the District Munsif-cum-Judicial Magistrate, Ranipet and allow the CRP.

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For Petitioner : Mr.K.Mohanamurali

For Respondent : Died (steps due)

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O R D E R

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.56 of 2016 in O.S.No.16 of 2010 dated 13.04.2018 on the file of the learned District Munsif-cum-Judicial Magistrate, Ranipet, thereby dismissing the petition for amendment.

2. The petitioner is the plaintiff and the respondent is the defendant. The petitioner filed the suit for permanent injunction. While pending the suit, the petitioner already filed a petition seeking amendment in I.A.No.236 of 2011. The said petition was dismissed. After a period of five years, again the petitioner filed a petition seeking amendment in respect of schedule mentioned property.

3. The learned counsel for the petitioner submitted that at the time of filing the earlier application for amendment, already the Koor Chit was not in possession of the petitioner herein. Only at the time of filing the present application for amendment, the said Koor Chit was available with the petitioner and as such, the earlier petition for amendment is not an impediment for the present petition for amendment. In respect of the said

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Koor Chit, there is absolutely no whisper in the plaint and as such, the Court below rightly dismissed the petition and this Court finds any infirmity or illegality 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.

06.07.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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To

1. The District Munsif-cum-Judicial Magistrate, Ranipet.
2. The Section Officer,
   V.R.Section, High Court of Madras.

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G.K.ILANTHIRAIYAN,J.

Kv

C.R.P.PD.No.2496 of 2018

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06.07.2021

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