

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

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

CRP.PD.No.2579 of 2018
and CMP.No.15520 of 2018

V.M.Rathinam

..Petitioner

Vs.

1.Chokkalingam
2.Ganesan
3.Sampornam
4.Gajambammal
5.Alamelu
6.Revathi
7.Sadanandam @ Kullan

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to allow the civil revision petition and set aside the fair and decretal order dated 16.07.2018 made in IA.No.76 of 2018 in OS.No.29 of 2007 on the file of the learned District Munsif, Arakkonam.

For Petitioner : Mr.G.Jeremiah

For Respondents : No appearance

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This Civil Revision Petition is filed against the fair and decretal order dated 16.07.2018 passed in IA.No.76 of 2018 in OS.No.29 of 2007 on the file of the learned District Munsif,

Arakkonam, thereby dismissing the petition seeking amendment of plaint.

2. Though notice was served, on one appeared on behalf of the respondents before this Court in person or through pleader.

3. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit for bare injunction in respect of suit properties. The respondents filed their written statement and specifically averred that there is no existence of suit 'B' schedule property as described in the plaint schedule and in the plaint plan and the measurements given for the alleged 'B' schedule are all incorrect. Even then, the petitioner did not take any step to amend the plaint. After commencement of trial, plaintiff side evidence was over and when the first defendant was in box for cross examination, the present petition has been filed. Though the amendment petition can be entertained even after commencement of trial, the petitioner failed to prove that in spite of due diligence, he could not raise the amendment before commencement of trial. Therefore, the court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the court below.

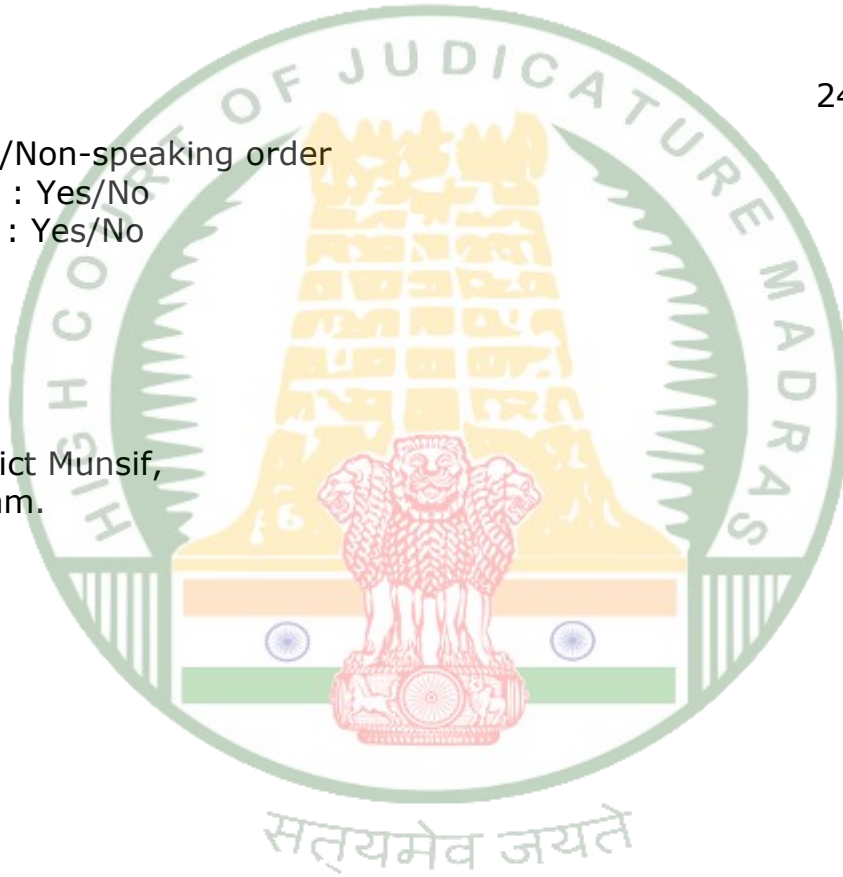
4. Accordingly, this civil revision petition is dismissed. Considering that the suit is of the year 2007, the trial court is directed to dispose of the suit within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

24.06.2021

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

To

The District Munsif,
Arakkonam.



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G.K.ILANTHIRAIYAN,J.

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