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C.R.P. (PD) No.2367 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.2367 of 2021
and C.M.P. No.17995 of 2021

1. C.Annamalai
2. A.Pattammal

.. Petitioners

Vs.

1. Vijaya
2. The Sub Registrar,
Kadaladi,
Kalasapakkam Taluk,
Tiruvanamali District.
3. The District Registrar,
District Registration Office,
Registration Department,
Gandhi Nagar,
Tiruvannamalai District.
4. The District Collector,
The District Collector Office,
Venkikkal,
Tiruvanamalai District.

.. Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 12.08.2021 made in I.A. No.49 of 2021 in O.S. No.138 of 2014 on the file of District Munsif Court, Chengamand.

For Petitioners

: Ms. S.Mahalakshmi



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O R D E R

This petition is filed challenging the order passed in I.A. No.49 of 2021 in O.S. No.138 of 2014.

2. Learned counsel for the petitioners submitted that the first respondent filed a suit for the relief of declaration of title, permanent injunction and for other reliefs. Pending suit, I.A. No.49 of 2021 was filed by the first respondent under Order 6 Rule 17, for amending the plaint in the suit. The amendment sought is that in the valuation column Section 27(d) has to be corrected as 25(d). In the affidavit filed in support of the amendment Petition, it is claimed that it was wrongly typed in valuation column as Section 27(d) instead of Section 25 (d). The respondent opposed this petition. After considering the rival submissions, the learned District Munsif Judge, Chengam, allowed the petition. Against the said order, this Civil Revision Petition is preferred.

3. The learned counsel for the petitioners submitted that even in the written statement it was clearly mentioned that Section 25 (d) of Tamilnadu Court Fees and Suits Valuation Act, 1955, was wrongly typed as 27 (d). However, this amendment petition is filed six years after filing the written statement. It is also submitted that the examination of witnesses has



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commenced and the case is pending for examination of P.W.1.

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4. Though this Court finds that there is merit in the claim of the learned counsel for the petitioner that the amendment petition is liable to be dismissed on the ground that the same has been filed after filing of the written statement and when the case is pending for examination of P.W.1. However, considering the fact that the mistake committed in the plaint in mentioning Section 27 (d) of Tamilnadu Court Fees and Suits Valuation Act, 1955 instead of Section 25 (d) of the Act, is purely a typographical mistake committed by the first respondent and this mistake cannot be allowed to remain in the plaint and has to be corrected necessarily, this Court is not inclined to disturb the order.

5. In this view of the matter, this Court finds no reason to interfere with the order of learned District Munsif, Chengam, in I.A. No.49 of 2021 in O.S. No.138 of 2014, and the same is confirmed. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2021

Index : Yes/No
Speaking order: Yes/No
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G.CHANDRASEKHARAN, J.,

bkn/rap

To

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Kalasapakkam Taluk,
Tiruvanamali District.
2. The District Registrar,
District Registration Office,
Registration Department,
Gandhi Nagar,
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The District Collector Office,
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4. The District Munsif Court, Chengam.

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