

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Seventeenth day of December Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE RMT.TEEKAA RAMAN

CMP.No.3523 of 2017

IN SA.No.630 of 2012

MUNUSAMY CHETTY (DECEASED)

[PETITIONERS]

1 KRISHNAN

2 RAVI

3 RAMESH

4 SIVAGAMI

5 MEENA

6 SHANTHI

7 LAKSHMI

8 KALIYAMMAL

Vs

PONNUSAMY NAIDU

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to amend the plaint in O.S.No.279 of 1994 on the file of Additional Subordinate court, Tindivanam after paragraph 6(a) of the plaint by adding paragraph 6(b), as follows: The Plaintiffs submit that if, this Hon'ble Court, for any reasons comes to the conclusion that the Plaintiffs 2 to 9 are not entitled to the relief of Specific performance of the Sale Agreement dated 09/10/1992, the Plaintiffs 2 to 9 are entitled for the refund of the advance amount of Rs.65,000/- (Rupees Sixty Five Thousand only) from the Defendant which was paid by the First Plainriff to him" and in the prayer portion of the plaint after paragraph 9 (d) by adding paragraph 9 (e) as follows: or in the alternative directing the Defendent to pay the sum of Rs.65,000/- (Rupees Sixty Five Thousand only) to the Plaintiffs 2 to 9 and pass (IN CMP.No.3523/2017)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.THIRUGNANAM, Advocate for the petitioners and of MR.P.SANKARANARAYANAN, Advocate for the Respondent, the court made the following order:-

This petition is filed to amend the plaint in O.S.No.279 of 1994 on the file of Additional Subordinate Court, Tindivanam after paragraph 6 (a) of the plaint by adding paragraph 6(b), as follows: The Plaintiffs submit that if this Honourable Court, for any reasons comes to the conclusion that the plaintiffs 2 to 9 are not entitled to the relief of Specific performance of the Sale Agreement dated 09.10.1992, the Plaintiffs 2 to 9 are entitled for the refund of the advance amount of Rs.65000/- (Rupees Sixty Five Thousand only) from the defendant which was paid by the first plaintiff to him and in the prayer portion of the Plaint after paragraph 9(d) by adding paragraph 9(e) as follows: or in the alternative directing the Defendant to pay the sum of Rs.65,000/- (Rupees Sixty Five Thousand only) to the Plaintiffs 2 to 9 and pass such further or other orders as this Hon'ble Court may deem fit.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent, who has no objection in allowing the CMP.

3. Considering the averments made in the affidavits filed in support of the petition, this petition is ordered as prayed for.

-sd/-
17/12/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
VILLUPURAM.

2 THE ADDITIONAL SUBORDINATE JUDGE,
TINDIVANAM.

COPY TO

THE SECTION OFFICER,
VR SECTION, HIGH COURT,
MADRAS.

Order
in
CMP.No.3523 of 2017

IN SA.No.630 of 2012

Date :17/12/2021

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