

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

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

CRP.PD.No. 2168 of 2017

and

CMP.No.10442 of 2017

R.Srinivasan

... Petitioner

Vs.

1. Venkatesan
2. Balasundaram
3. Shankar
4. Babu
5. Devaki
6. Indhira

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the Revision by setting aside the order and decretal order dated 04.03.2017 passed in I.A.No.920 of 2016 in O.S.No.140 of 2010 on the file of District Munsif Court, Thiruvallur.

For Petitioner : Mr.P.B.Balaji

For Respondents : No Appearance

ORDER

This Civil Revision Petition is directed as against the order and decretal order passed in I.A.No.920 of 2016 in O.S.No.140 of 2010 dated 04.03.2017 on the file of the District Munsif Court, Thiruvallur, thereby, partly dismissing the petition seeking amendment of the prayer.

2. The petitioner is the plaintiff. He filed a suit for bare injunction. After filing the written statement, the petitioner filed a petition for amendment to include the prayer of declaration and also to include the new Survey Number in respect of the suit schedule property.

3. On a perusal of the counter, it reveals that the respondents admitted that the suit property is Grama Natham house site which forms part and parcel of old Survey No.190/14 as per Natham Scheme New Survey No.543/13 situated at Allikuzhi Village, Tiruvallur Taluk and District. Whereas, the Court below allowed the petition for amendment only to include the prayer of declaration and rejected the prayer for including the New Survey Number for the suit schedule property. As stated supra, the respondents themselves categorically admitted in their counter that the suit

property's New Survey No.543/13. Therefore, it would not change the character or nature of the suit. Further, no prejudice would be caused to the respondents by allowing the said amendment.

4. In view of the same, this Civil Revision Petition is allowed and the order passed in I.A.No.920 of 2016 in O.S.No.140 of 2010 dated 04.03.2017 is set aside. The amendment sought for by the petitioner is allowed in toto.

12.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

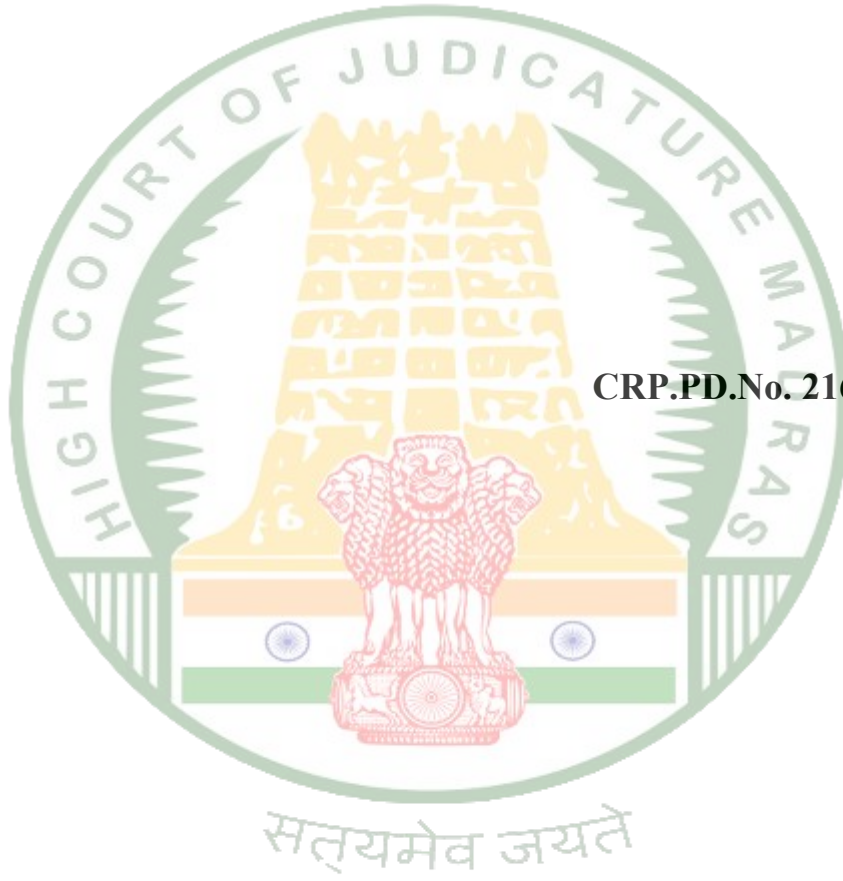
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To

The District Munsif, Thiruvallur.

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G.K.ILANTHIRAIYAN,J.



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