

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

**C.R.P.(N.P.D).Nos.4023, 4024 and 4025 of 2017
and C.M.P.Nos.18820, 18821 and 18822 of 2017**

T.Sivaprakasam (died)
1.T.Vijayakumar
2.S.Malarkodi
3.S.Sabari
4.S.Deepika

...Petitioners in
all the C.R.P's.

Vs.

A.N.Arunachalam (died)
1.A.Sumathi
2.A.Karthikeyan
3.Sasikala
4.Savitha
5.A.Annamalai
6.A.Valliyappan

...Respondents in
all the C.R.P's.

Prayer in C.R.P.No.4023 of 2017: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order passed in E.A.No.37 of 2015 in E.P.No.23 of 2011 in O.S.No.16 of 2003 on the file of the Additional District Court, FTC No.IV, Bhavani dated 05.09.2017.

Prayers in C.R.P.Nos.4024 and 4025 of 2017: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the fair and final orders passed in I.A.Nos.64 and 65 of 2015 in O.S.No.16 of 2003 on the file of the Additional District Court, FTC No.IV, Bhavani dated 05.09.2017.

In all the C.R.P's.:

For Petitioners : Mr.A.Sundaravadhanan

For Respondents : Mr.N.Manokaran for R1
For R2 to R4-Notice served
For R5 & R6-Not ready in notice

ORDER

These Civil Revision Petitions have been preferred as against the

(i) fair and final order passed in E.A.No.37 of 2015 in E.P.No.23 of 2011 in O.S.No.16 of 2003 on the file of the Additional District Court, FTC No.IV, Bhavani dated 05.09.2017.

(ii) fair and final orders passed in I.A.Nos.64 and 65 of 2015 in O.S.No.16 of 2003 on the file of the Additional District Court, FTC No.IV, Bhavani dated 05.09.2017.

2.The petitioners are the Judgment debtors in the suit filed by the respondents for specific performance. After filing the execution petition,

the respondents noted that the Survey No. mentioned in the schedule as 789/28 instead of 789/2B.

3. Therefore, they filed a petition for amendment to amend the Survey No. in the decree, in O.S.No.16 of 2003, and the execution petition. All the petitions were allowed and aggrieved by the same, these Civil Revision Petitions have been filed.

4. The learned counsel for the petitioners submitted that it is not a typographical error and it would change the entire suit property itself, that too, when the suit filed for specific performance.

5. On perusal of the records, it revealed that it was not disputed by the petitioners, while filing the written statement, that it was wrongly mentioned in the Survey No as 789/28 instead of 789/2B. It is also a typographical error and it can be corrected at any time.

6. Accordingly, the Court below allowed the respondents to amend the Survey Number as 789/28 instead of 789/2B. Therefore, this Court finds no irregularity or infirmity in orders dated 05.09.2017 made in E.A.No.37 of 2015 in E.P.No.23 of 2011 in O.S.No.16 of 2003 and I.A.Nos.64 and 65 of 2015 in O.S.No.16 of 2003 on the file of the

Additional District Court, FTC No.IV, Bhavani.

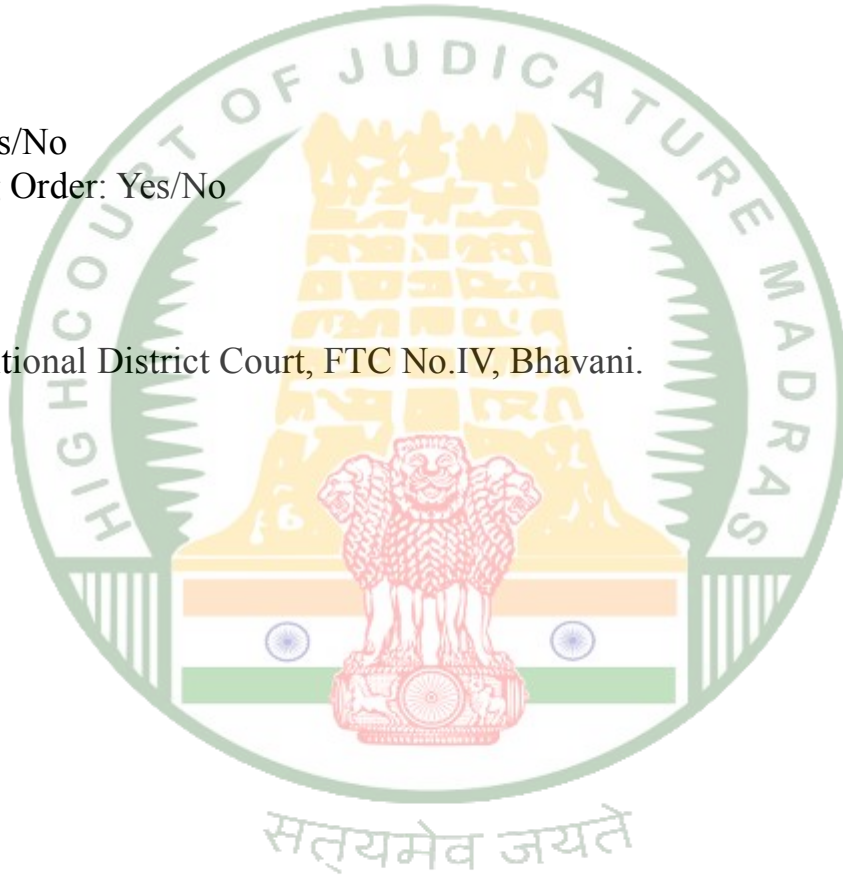
7.Hence, the Civil Revision Petitions are dismissed. No costs.

Consequently connected miscellaneous petitions are closed.

23.02.2021

Index:Yes/No
Speaking Order: Yes/No
Jer

To
The Additional District Court, FTC No.IV, Bhavani.



WEB COPY

C.R.P.(N.P.D).Nos.4023, 4024 and 4025 of 2015

G.K.ILANTHIRAIYAN.J,

Jer



**C.R.P.(N.P.D).Nos.4023, 4024 and 4025 of 2015
and C.M.P.Nos.18820, 18821 and 18822 of 2017**

WEB COPY

23.02.2021