

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP (PD) No.3917 of 2018

and

CMP.No.21748 of 2018

1. P.N.Balasubramanian
2. P.N.Deivasigamani Petitioners

Vs.

1. Dr.K.Shanmugam
2. Angayarkanni
3. K.Dhivyananthan
4. Logasundari
5. Dr.A.Karthikeyan

6. State of Tamil Nadu
Rep.by the District Collector,
Erode, Erode District.

7. The Executive Officer/Special Officer,
Kavindapady Panchayat,
Kavindapady.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the Principal District Munsif (FAC) Bhavani in I.A.No.1872 of 2017 in O.S.No.92 of 2017 dated 21.08.2018.

For Petitioners : Mr.Sriram for
: Mr.R.N.Amarnath

For Respondents : Mr.N.Manokaran (for R2 to R5)
: No Appearance (for R6 & R7)

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.1872 of 2017 in O.S.No.92 of 2017 dated 21.08.2018 on the file of the learned Principal District Munsif (FAC) Bhavani, thereby allowing the petition for amendment.

2. The petitioners are the 3rd and 4th defendants and the respondents 1 to 5 are the plaintiffs. The respondents 1 to 5 filed a suit for partition, declaration and separate possession. According to the respondents 1 to 5 while pending the suit, the petitioners have put up construction in the suit property. Therefore, they filed a petition for amending the prayer to include the prayer of mandatory injunction to remove the construction put up by the petitioners in the suit property.

3. The petitioners filed a counter in which they have stating that they

filed a written statement even before filing the suit, they have put up the construction and they are in possession and enjoyment of the same.

4. The suit was filed on 15.02.2017 and the written statement was filed on 31.08.2017. Immediately, on 27.10.2017 the present I.A has been filed. Therefore, the Court below rightly allowed the petition to amend the prayer to include the prayer of mandatory injunction to avoid the multiplicity of proceedings. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

16.04.2021

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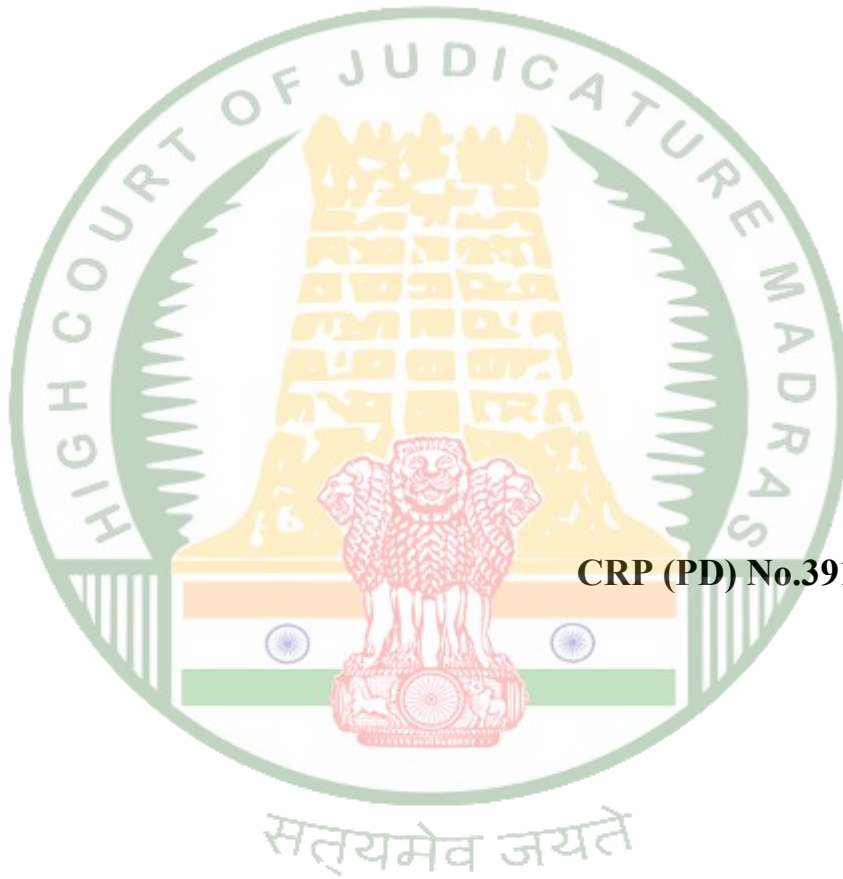
To

1. The Principal District Munsif (FAC) Bhavani.
2. The Section Officer,
V.R. Section, High Court of Madras.
3. The District Collector,
State of Tamil Nadu
Erode, Erode District.
4. The Executive Officer/Special Officer,

Kavindapady Panchayat,
Kavindapady.

G.K.ILANTHIRAIYAN,J.

Kv



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