



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) .No.1286 of 2021

and

C.M.P. (MD) No.7426 of 2021

WEB COPY

Jansirani

... Petitioner/Respondent/Defendant

Vs.

Ganga

... Petitioner/Petitioner/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to reverse, set aside the order and decreetal order in I.A.No.83 of 2019 in O.S.No.70 of 2016 on the file of the District Munsif Court, Ramanathapuram, dated 15.02.2021.

For Petitioner : Mr.J.M.Hassanul Bazari
For Respondent : Mr.M.Subash Babu

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 15.02.2021 in I.A.No.83 of 2019 in O.S.No.70 of 2016, passed by the learned District Munsif, Ramanathapuram,

2.The respondent herein/plaintiff has filed a suit in O.S.No.70 of 2016 on the file of the District Munsif Court, Ramanathauram, for declaration and recovery of possession. During the pendency of the suit, the respondent/plaintiff, has filed a petition in I.A.No.83 of 2019 in O.S.No.70 of 2016 under Order 6 Rule 17 and 151 of Civil Procedure code, to amend the suit second schedule property as 3 feet instead of 2 feet in the north south measurement. The learned District Munsif, Ramanathapuram has passed a conditional order on 15.02.2021. Aggrieved by the same, the revision petitioner is before this Court.

3.Heard on either side. Perused the material documents available on record.

4.The respondent herein/plaintiff claimed declaration of title on the basis of the sale deed, dated 04.09.2014, before the Court below. The revision petitioner has raised an objection that already in his evidence he admitted that north south measurement as 2 feet. The oral evidence lead into against the documentary evidence. But, as per sale deed, the north south measurement of the second schedule property is only 9.9.meter in west and 8.6 meter in the eastern side. The respondent/plaintiff can amend the plaint as per the sale



deed. He cannot claim more than the measurement as stated in the sale deed.

5.In view of the aforesaid reasons, the respondent herein/plaintiff is directed to file a fresh petition for amendment as per measurement as stated in the sale deed, dated 04.09.2014, if necessary, within a period of one month from the date of receipt of copy of the order.

6.With the above observations, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The District Munsif Court,
Ramanathapuram.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-30086[F] dated 23/09/2021)

+1 CC to M/s.J.M.HASSANUL BAZARI, Advocate (SR-30289[F] dated 27/09/2021)

Order made in
C.R.P. (MD) .No.1286 of 2021
23.09.2021

RS (05.10.2021) 2P 4C