



CRP(PD)No.682 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.682 of 2022
& CMP.Nos.3483 of 2022

1.Ramasamy
2.Kanaga

... Petitioners

Vs.

1.Jayavel
2.Palaniammal
3.Gowri

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 26.10.2021 in I.A.No.238 of 2020 in O.S.No.202 of 2016 on the file of the learned District Munsif, Palacode.

For Petitioner : Mr.R.Selvakumar
For Respondents : No appearance



CRP(PD)No.682 of 2022

ORDER

The plaintiffs in O.S.No.2020 of 2016 has come forward with the present Revision challenging an order passed by the trial Court in I.A.No.238 of 2020, which they had taken out for amending the plaint.

2.The suit was laid by the plaintiffs for declaration of title and for injunction. The trial Court appointed a Commission and according to the Commissioner's report, the defendants are stated to have encroached into certain specific portion of the plaintiffs' property. Therefore, the plaintiffs took out I.A.No.238 of 2020 to specifically plead the encroachment made by the defendant and also to include a prayer for mandatory injunction that the same be delivered back to the plaintiffs. This was dismissed by the trial Court on the ground that the Application is incomplete in certain particulars.

3.The learned counsel for the revision petitioners submitted that these defects can be cured by the trial Court and even subsequently, it should have granted an opportunity to the plaintiffs to amend the plaint before trial.



CRP(PD)No.682 of 2022

4.This Court perused the papers and now directs the plaintiffs/revision petitioners to file a fresh Application with correct material particulars within a period of 15 days from the date of receipt of a copy of this order before the District Munsif Court, Palacode. Whereupon, the trial Court may rehear the matter after giving due opportunity to the defendants in the suit. So far as the order passed in I.A.No.238 of 2020 is concerned, since one of the grounds which prevailed upon the trial Court in dismissing it is founded on lack of some particulars, this Court considers that the said Application can be ignored.

5.The Civil Revision Petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

05.04.2022

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking
Tsg



WEB COPY



CRP(PD)No.682 of 2022

N.SESHASAYEE, J.,

Tsg

To

The District Munsif,
Palacode.

C.R.P(PD)No.682 of 2022
& CMP.Nos.3483 of 2022

05.04.2022