



CRP.PD.No.4412 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 05.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.4412 of 2015
and MP.No.1 of 2015

V.Rajendran

... Petitioner

Vs.

1.S.Velayutham

2.A.R.Perumal(died)

3.Lakshmi

4.Ganasekaran

5.Jeevitha

(R3 to 5 brought on record as LR's
of the deceased R2 viz., A.R.Perumal vide order
dated 16.03.2022 in CMP.No.369 of 2022
in CRP.No.4412 of 2015)

... Respondents

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India praying to allow the above civil revision petition by setting aside the order and decretal order of the lower court dated 12.02.2015 made in IA.No.558 of 2013 in OS.No.451 of 2009 on the file of the District Munsif Court, Chengalpattu.

For Petitioner : M/s.C.R.Rukmani

For Respondent : No appearance

ORDER

This civil revision petition is filed as against the fair and decretal order passed in IA.No.558 of 2013 in OS.No.451 of 2009 on the file of the



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District Munsif Court, Chengalpattu, thereby allowed the application for amendment filed by the first respondent herein.

2. Heard, M/s.C.R.Rukmani, the learned counsel for the petitioner.

3. The first respondent is the plaintiff in the suit filed by him in OS.No.451 of 2009 for declaration and recovery of possession. While pending the suit, the first respondent filed application for amendment thereby amending the boundaries of the suit properties.

4. On perusal of records revealed that the petitioner originally filed suit for declaration of the suit property and also recovery of possession. Thereafter, the petitioner sought amendment for declaration declaring that the sale deed alleged to have been executed by the first defendant in favour of the second defendant as null and void. Since the first respondent was not party to the sale deed, he failed to challenge the same. In order to avoid the technical flaw, the first respondent filed application to include the prayer of declaration declaring that the sale deed executed by the first defendant in favour of the second defendant is null and void. After proceedings of the Tahsildar, four



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boundaries have changed. Therefore, the first respondent had necessarily to file application to amend the boundaries of the subject property. Admittedly the survey number and the extent of the property have not been changed. Therefore, there is no prejudice to be caused to the petitioner by amending the plaint as prayed for. Therefore, this Court finds no infirmity or illegality in the order passed by the court below.

5. Accordingly, this civil revision petition is dismissed. However, the trial court i.e. the District Munsif Court, Chengalpattu is directed to complete the trial in OS.No.451 of 2009 within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions is closed. No order as to costs.

05.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

The District Munsif Court,
Chengalpattu.

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