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C.R.P(PD).No.1696 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1696 of 2022

and

C.M.P.Nos.8663 & 8664 of 2022

S.Angamuthu

... Petitioner

..Vs..

1.Minnalammal

2.A.Bhaskar

3.A.Murali

4.A.Babu

5.S.Shanthi

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of

India, against the order dated 10.03.2022 passed in I.A.No.2 of 2021 in

O.S.No.116 of 2018 pending on the file of the Additional Sub Judge, Ponneri.

For Petitioner : Mr.V.Rajasekar

ORDER

This Civil Revision Petition has been preferred, challenging the order of the learned Additional Sub Judge, Ponneri, dated 10.03.2022 made in I.A.No.2 of 2021 in O.S.No.116 of 2018.



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2.The revision petitioner is the defendant in the suit. The respondents/ plaintiffs have filed a suit in O.S.No.116 of 2018. During the pendency of the suit, they filed a petition for amending the plaint and the same was allowed. Aggrieved other this, the revision petitioner has preferred the present petition.

3.The learned counsel for the petitioner submitted that before the respondents filed the amendment petition, the defendant has filed a petition under Order VII Rule 11 CPC for rejection of the plaint. He further submitted that before taking the said petition for consideration, the learned trial Judge ought not to have taken up the amendment petition and allowed the same.

4.On perusal of the allegations made in the plaint, it is seen in paragraph No.14 of the plaint that the plaintiffs had alleged that on 27.04.2018, the defendant was attempting to trespass and dispossess the plaintiffs. But in the cause of action paragraph No.16, the date is mentioned as 22.04.2018 instead of 27.04.2018. The above mistake is obviously a typographical error. The respondents/plaintiffs have filed a petition under Order VI Rule 17 CPC to rectify the same. Allowing the said petition will not stand in any way to decide the petition filed by the revision petitioner under Order VII Rule 11 of CPC.



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Since the scope of the amendment is just to rectify the typographical error, I do not find any reason for interference.

5. Accordingly, the Civil Revision Petition is dismissed and the order of the learned Additional Sub Judge, Ponneri, dated 10.03.2022 made in I.A.No.2 of 2021 in O.S.No.116 of 2018, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

13.06.2022

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Index:Yes No

Speaking Order:Yes/No

To

1.The II Judge,
Small Causes Court, Chennai.

2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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R.N.MANJULA,J.

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