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C.R.P(PD)No.3198 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P(PD)No.3198 of 2022

and

C.M.P.No.17050 of 2022

- 1.Abdul Sukkur
- 2.Abdul Sathar
- 3.Abdul Munaf
- 4.Abdul Kalam
- 5.Selvaraj

... Petitioners

Vs.

- 1.Arunavathi
- 2.Jothibas
- 3.Thamarai
- 4.Chinna Arumugam
- 5.Munna @ Abdul Rahim
- 6.Revathi
- 7.Kamaraj
- 8.Selvaraj

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 10.01.2022 made in I.A.No.812 of 2021 in I.A.No.697 of 2021 in I.A.No.100 of 2020 on the file of the District Munsif Court, Pappireddipatti.



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For Petitioner : Mr.V.Sakkarapani

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ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below in I.A.No.812 of 2021 seeking amendment of the petition filed in I.A.No.697 of 2021.

2.The respondents herein in I.A.No.812 of 2021 seeking amendment of I.A.No.697 of 2021. The said I.A.No.697 of 2021 was filed to set aside *ex parte* order passed in I.A.No.100 of 2020. The respondents by way of amendment wanted to correct the I.A.Number which was wrongly mentioned as I.A.No.100 of 2021 instead of I.A.No.100 of 2020. The respondents have also by way of amendment wanted to include the names and addresses of the parties in shorter and longer cause title in I.A.No.697 of 2021. Apart from that, the respondents also wanted to amend the provision of law under which I.A.No.697 of 2021 was filed by substituting Rule 13 instead of Rule 7. The said amendment application was partly allowed by the Court below in respect of amendment sought for in respect of petition in I.A.No.697 of 2021. The prayer for amendment in respect of affidavit filed in support of I.A.No.697 of



2021 was dismissed, by granting liberty to file fresh corrected affidavit.

Aggrieved by the said order, the revision petitioners have come up by way of revision.

3.The learned counsel for the petitioners assailed the order passed by the Court below mainly on the ground that though the respondents mentioned the wrong provision of law namely Order 9 Rule 7 in I.A.No.697 of 2021 at the time of numbering the application, the Court below numbered it under Order 9 Rule 13 and passed an order and hence there is no necessity to amend the application.

4.On a perusal of the amendment sought for by the respondents in I.A.No.812 of 2021, apart from provision of law, the respondents have also wanted to amend shorter and longer cause title in I.A.No.697 of 2021 by amending the names of certain parties and addresses and the respondents also wanted to correct the typographical error with respect to the IA number mentioned in the petition. By allowing amendment to correct typographical error and amendment of shorter and longer cause title, the revision petitioners were not at all prejudiced. By allowing the impugned order to stand, the



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Revision

S.SOUNTHAR, J.,

rpl

Petitioner will not be put to irreparable injury. This Court is not bound to interfere with the order passed by the Court below in case the order does not cause prejudice and irreparable injury to the party applying for revision. The Court below partly allowed certain amendments to correct typographical errors that had crept in while drafting I.A.No.697 of 2021. Therefore, I do not find any illegality or irregularity in the order passed by the Court below.

5.The Civil Revision Petition stands dismissed accordingly.
Consequently, the connected Civil Miscellaneous Petition is also dismissed.
No costs.

10.10.2022

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

To

The District Munsif Court, Pappireddipatti.

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