



C.R.P. No.4284 of 2017

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T.V.THAMILSELVI, J.

This matter is taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the revision petitioners.

2. The learned counsel for Revision Petitioners would submit that this Court by an order dated 08.09.2022 allowed the above C.R.P.. However, the learned counsel would submit that in para 2 of the order, at the 4th line as well as in para 5 of the order, at the 7th line, instead of mentioning as common wall, it was mentioned as compound wall. Hence, he prayed to modify the same. Accordingly, the matter is listed today.

3. Considering his submissions, in paras 2 and 5 of the order shall be substituted as follows :-

Para 2 at Page 2

“2. The defendant contested the suit by filing written statement.

During the pendency of the suit proceedings before the trial



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court, the plaintiffs filed an application in I.A.No. 520 of 2012 to amend the plaint under Order 6 Rule 17 of C.P.C. with regard to the extent of common wall. The said application was objected by the defendant stating that no such wall is existence nor defendant made any encroachment.

Para 5 at Page 3

5. The learned counsel for petitioners submitted that the documents relied on by the plaintiffs are sufficient to prove their claim before the trial court, but the trial judge not permitted to amend the plaint with regard to the extent of property. If the plaint is not amended, then the relief sought in the suit could not be executed if he succeeded in the suit. But, the learned counsel for respondent submitted that there is no such encroachment made by the defendant with regard to the alleged common wall and the plaintiffs approached the court suppressing the real facts. But, all these issues could be decided only at the time of trial. ”



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4. Registry is directed to incorporate above correction in the Order of this Court in C.R.P.No. 4284 of 2017 dated 08.09.2022 and issue fresh order copy to the Revision Petitioner.

06.03.2024

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