



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 2622 of 2010 and
MP(MD).No.1 of 2010

Mohamed Ansari

.. Revision petitioner /
Plaintiff/Petitioner

Vs.

1.Sundar
2.Vasu
3.Vincent Rani
4.Daris

.. Respondents /Defendants/
Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decreetal order dated 15.07.2010 made in I.A.No.461 of 2009 in O.S.No.300 of 2005 on the file of the District Munsif Court, Thanjavur.

For Petitioner ... Mr.S. Sivathilakar
For Respondents ... No appearance

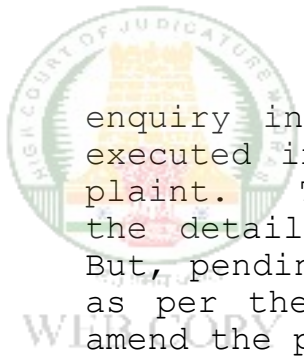
ORDER

The revision petitioner / plaintiff filed this revision to set aside the order, dated 15.07.2010 passed in I.A.No.461 of 2009 in O.S.No.300 of 2005 on the file of the District Munsif Court, Thanjavur.

2. Heard the learned counsel appearing for the petitioner. Even though the name of the respondents printed in the cause list no one has appeared either in person or through counsel.

3. The revision petitioner / plaintiff has filed the said I.A.No.461 of 2009 under Order 6 Rule 17 CPC to amend the plaint for declaration to declare the sale deed executed in favour of the defendants are null and void. The trial Court has dismissed the said amendment petition stating that there is no proper reason for amendment.

4. The revision petitioner has stated that after filing the suit, the respondents trespassed into the suit property and after



enquiry in the suit, he came to know that some documents were executed in favour of the defendants. So, he wants to amend the plaint. The revision petitioner is not a party to the document so the details of the document cannot be stated by the petitioner. But, pending suit, the respondents have encroached the suit property as per the averments in the petitioner. So it is necessary to amend the plaint.

5. Only after filing this amend petition, the respondents have filed the written statement, the amendment application filed by the plaintiff in I.A.No.461 of 2009 can be allowed.

6. Accordingly, the this Civil Revision Petition is allowed and the order dated 15.07.2010 passed in I.A.No.461 of 2009 in O.S.No.300 of 2005 on the file of the District Munsif Court, Thanjavur is set aside. Since the suit is pending from 2005, the Trial Court is directed to dispose of the suit in O.S.No.300 of 2005 within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The District Munsif, Thanjavur.

Copy to
The Section Officer,
V.R.Section ,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-11299[F] dated
10/03/2022)

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