



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.1755 of 2017

and

C.M.P (MD)No.9459 of 2017

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Elcon Raj

...Revision Petitioner/Plaintiff

Vs.

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

...Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for records in I.A.No.376 of 2014 in O.S.No.178 of 2012 dated 06.07.2017 on the file of the Sub Court, Padmanabapuram, Kanyakumari District and set aside the same by allowing this revision petition.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The Civil Revision Petition has been filed to set aside the order made in I.A.No.376 of 2014 in O.S.No.178 of 2012 dated 06.07.2017 on the file of the learned Sub Judge, Padmanabapuram, Kanyakumari District.

2.I.A.No.376 of 2014 was filed by the revision petitioner/plaintiff under Order VI Rule 17 and Section 151 of the Civil Procedure Code, to amend the schedule property in S.No.534/3 apart and also extension of 25.616 cents instead of 23 cents. It cannot alter the nature of suit. The revision petitioner has stated that only after the Commissioner has inspected the property, he came to know the mistake. Therefore, he already amended the survey number and extension. Hence, nothing would be prejudice to the respondents.

3.In view of the above, the Civil Revision Petition is allowed and the order dated 06.07.2017 made in I.A.No.376 of 2014 in O.S.No.178 of 2012 passed by the learned Sub Judge, Padmanabapuram,



Kanyakumari District is hereby set aside. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

vsd

To

The Subordinate Judge,
Padmanabapuram,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-12705[F] dated 17/03/2022)

+1 CC to M/s.F.DEEPAAK, Advocate (SR-12649[F] dated 17/03/2022)

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