



WEB COPY



CRP No.55 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM:

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.55 of 2020
and CMP No.324 of 2020

1.Senna Poosari @ Sennappan
2.Thirumal

.... Petitioners

Vs

1.Kalaiselvi
2.Natarajan
3.Venkataramani
4.Nagaraj
5.Mahendran
6.Sakthi
Respondents

...

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 22.10.2019 made in I.A.No.391 of 2019 in O.S.No.277 of 2012 on the file of District Munsif Court, Dharmapuri.

For Petitioners : Mr.V.Sakkarapani

For Respondents : Mr.C.Prabakaran

For R.1

R.2 and R.4 – served No appearance

R.5 – died

R.3 and R.6 – Not ready in notice



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ORDER

The plaintiffs are the petitioners. O.S.No.277 of 2012 is a suit for declaration and injunction. Pending the suit, the properties were alienated by the first plaintiff in favour of the second plaintiff. Consequently, the second plaintiff was impleaded as a party to the suit.

2. After having amended the name, the second plaintiff wanted to amend the court fee portion of the plaint, that the learned Judge rejected holding that it changes the cause of action of the suit and the frame of suit itself. Against which, the present revision has been filed.

3. Heard Mr.V.Sakkarapani, learned counsel for the revision petitioners and Mr.C.Prabakaran, learned counsel for the first respondent.

4. It is not in dispute that the amendment relates only to the court fee aspects and by correcting it from Rs.40,000/- to Rs.80,000/-, the cause of action does not change. The suit continues to be one for declaration and injunction.



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However, there is a considerable delay from 2012 till 2019. This can be offset by way of ordering heavy cost.

5. Consequently, I.A.No.391 of 2019 in O.S.No.277 of 2012 is allowed on condition that the second plaintiff pays to the contesting defendant a sum of Rs.25,000/-(Rupees Twenty five thousand only) within a period of four weeks from today.

6. If the cost is paid, the Civil Revision Petition is allowed. Otherwise, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2023

Index:Yes/No
Speaking order/Non-speaking order
sr

To

The District Munsif Court, Dharmapuri



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V.LAKSHMINARAYANAN,J.

SR

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