



C.R.P.(NPD)No.1634 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD)No.1634 of 2016

and

C.M.P.No.8836 of 2016

A.N.Selvam

.. Petitioner

Vs

1.Kullan (died)

Sankaran (died)

2.Kuppusamy

3.Karuppannan

4.Madhaiyan

5.Pavayee

6.Sellayee

7.Palaniammal

8.K.Srinivasan

9.Sivalakshmi

10.Senbagavalli

.. Respondents

(R1- died, respondents 7 to 10 brought on record as LRs of the deceased R1 Viz., Kulan vide Court order dated 12.07.2023 made in CMP. Nos.19641 to 19643/2017 in CRP. No.1634/2016)



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and final order passed in I.A.No.8 of 2016 in A.S.No.4 of 2008 on the file of the Sub Court, Sankari dated 30.03.2016.

For Petitioner : Mr.A.Sundaravadhanan

ORDER

This revision arises against an order passed in I.A.No.8 of 2016 in A.S.No.4 of 2008 on the file of the Sub Court, Sankari, dated 30.03.2016.

2. The petitioner is the respondent in the appeal. The plaintiff/1st respondent herein had presented O.S.No.141 of 1999, which ended in dismissal. Aggrieved by the judgment and decree in O.S.No.141 of 1999, dated 31.01.2007, he had preferred A.S.No.4 of 2008. In the appeal, he found out that his claim is not to an extent of 0.25.0 hectares, but only to an extent of 0.24.5 hectares. In other words, the plaintiff has reduced his claim in the schedule mentioned property. Consequently, he filed an application for amendment. The amendment deals only with the second



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line in the description of the property and does not touch any of the other aspects of the plaint or the grounds of appeal.

3. The learned first Appellate Judge came to a conclusion that the frame of the suit and cause of action continued to remain the same and the amendment is only with respect to the schedule of the property, which will not prejudice the civil revision petitioner and allowed the application. Aggrieved over the same, the present revision is filed.

4. Heard Mr.A.Sundaravadhanan, the learned counsel for the petitioner. The respondents though served, have not entered appearance.

5. The learned counsel for the petitioner vehemently contended that the application is belated and ought not to be allowed.

6. I am afraid I am not with the learned counsel for the petitioner. The amendment does not change the cause of action nor does it change the nature of the suit. In fact, the defendant must be happy that the extent which the plaintiff has sought for, was also be reduced by way of the amendment. I am in agreement to the learned first Appellate Judge that



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the amendment does not affect the cause of action, it is not barred by limitation nor does it change the frame of the suit. I am also in agreement with the learned first Appellate Judge that the petitioner is not aggrieved with the said amendment.

7. In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.08.2023

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No

kj/rjr

To

The Subordinate Judge, Sankari.



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V. LAKSHMINARAYANAN,J.

kj/rjr

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