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C.R.P.(PD)No.215



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.(PD)No.2159 of 2018
and C.M.P.No.13460 of 2018**

Gyanchand Kothari

... Petitioner

Vs.

1.M.Suresh
2.S.Shakuntala
3.G.Ashok Kumar
4.G.Praveen Kumar

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 18.01.2018 made in I.A.No.9811 of 2017 in O.S.No.4405 of 2014 on the file of the learned XIII Assistant Judge, City Civil Court, Chennai.

For Petitioner	: Mr.A.V.Arun
For R1 & R2	: Mr.T.Srikanth
R3 & R4	: Given up

ORDER

The revision arises against an order dated 18.01.2018 made in I.A.No.9811 of 2017 in O.S.No.4405 of 2014 on the file of the learned XIII Assistant Judge, City Civil Court, Chennai.



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2. The 1st defendant is the civil revision petitioner. The respondents 1 & 2 are the plaintiffs. The suit had been filed for recovery of money for a sum of Rs.7,45,228.75. The basis of the claim is that the amounts were given under a document termed 'Rukha'. This is supposed to be a document evidencing payment of money and acknowledgment in the Marwadi community.

3. Mr.A.V.Arun, learned counsel for the petitioner submits that a written statement had been filed to the same. Thereafter, an application in I.A.No.9811 of 2017 was taken out by the plaintiffs for an amendment. The amendment sought for in the said application came to be allowed. Against which, the present revision has been presented by the 1st defendant.

4. I have gone through the amendment. The amendment, in effect, adds few sentences to the plaint. It neither changes the cause of action nor does it change the frame of the suit.

5. Mr.A.V.Arun, will vehemently contend that the amendment is barred by time. That is not a subject matter of the revision. A plea of limitation can always be raised by the defendant at the appropriate time by filing of an additional written statement. A reading of the amendment shows that it is only clarificatory at best and it does not



introduce a new cause of action. The trial Court had rightly allowed the application and it does not require any interference in the revision.

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

25.07.2023

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No

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To

XII Assistant Judge, City Civil Court, Chennai.



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V.LAKSHMINARAYANAN,J.

Kj

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