



C.R.P.No.3135 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM : JUSTICE N.SESHASAYEE

C.R.P.No.3135 of 2019
and CMP.No.20534 of 2019

Damodaran

.. Petitioner/Petitioner/Plaintiff

Vs

The Commissioner
Pallavaram Municipality
Pallavaram
Chennai - 600 043.

.. Respondent/Respondent/Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 11.12.2018 passed by the learned Additional District Munsif, Alandur in I.A.No.22 of 2018 in O.S.No.704 of 2015.

For Petitioner : Ms.T.Jayalakshmi
for M/s.Paul and Paul

For Respondent : No Appearance



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ORDER

The plaintiff who has lost his application for amending the plaint in a pre-trial stage, has come before this Court with the present revision.

2. The suit in O.S.No.704/2015 was laid for permanent injunction. Vide I.A.No.22/2018, the plaintiff wanted to introduce two amendments to the schedule of the property :

- (a) The total extent originally given was 10 cents, whereas the plaintiff now wants to reduce it to 8 cents; and
- (b) For correcting the two boundaries given in the property.

This was dismissed by the trial Court on the ground that it changes the character of the suit. Hence, the revision.

3. The suit continues to be one for injunction against the same defendant and a mere reduction of extent, and providing correct boundaries by itself does not alter or change the character of the suit. This Court considers that the trial Court has not appreciated the law on the aspect correctly.



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4. In conclusion, this revision petition is allowed, and the order of the trial Court dated 11.12.2018 passed in I.A.No.22 of 2018 in O.S.No.704 of 2015, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

03.04.2023

Index : Yes / No
Speaking Order / Non-speaking Orders

To:

- 1.The Additional District Munsif
Alandur.
- 2.The Section Officer
VR Section, High Court, Madras.



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N.SESHASAYEE.J.,

ds

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