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C.R.P.No.3520 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM:

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.No. 3520 of 2019 and
C.M.P.Nos.20359, 20360, 20361 of 2023

Jagadesh

...Petitioner

Versus

1.D.Meivel

2.N.Nadaiyan@Muniyan

...

Respondents.

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the fair and decretal order dated 29.08.2019 made in E.A.No.1 of 2019 in E.P.No.07 of 2018 in O.S.No.8 of 2017 on the file of the IV Additional District Judge, Bhavani, Erode District.

For Petitioner : Mr.S. Arivalagan

For Respondents : No appearance

ORDER

This is a revision arising against the application filed under Order VI Rule 17 of the Code of Civil Procedure to amend the decree in EP No.7 of 2018 in OS.No.8 of 2017.



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V.LAKSHMINARAYANAN, J.

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2. The perusal of the affidavit shows that no steps were taken by the petitioner to amend the plaint and amend the decree. Without it, an application was filed for amendment only in the execution.

3. An Executing Court is bound to execute decree as it stands and it cannot change the content of the decree by amendment application taken out before it. An application for amendment of the plaint or decree is maintainable only on the original side and not on the executing side. Consequently, the petition filed by the Civil Revision Petitioner to amend the decree on the executing side is not maintainable. Appropriate remedy would have to be given to amend the decree on the original side. Therefore, the civil revision petition is dismissed confirming the order of the Trial Court. Consequently, connected miscellaneous petitions are closed. No costs

07.09.2023
(1/2)

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