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CRP Nos.3973 & 3974 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition Nos.3973 & 3974 of 2023

and

C.M.P.Nos.24392 & 24397 of 2023

D.Selvam

S/o.Doss

... Petitioner in both revisions

Vs.

1.K.Vidubalan

S/o.Krishnan

2.K.Muthuramalingam

S/o.Krishnan

...Respondents in both revisions

Common Prayer : Civil Revision Petitions filed under Article 227 of Constitution of India, against the order dated 27.09.2023 passed in I.A.No.5 of 2023 in O.S.No.5962 of 2016 by XVI Assistant City Civil Court, Chennai and the order dated 25.09.2023 passed in I.A.No.4 of 2023 in O.S.No.5962 of 2016 by XVI Assistant City Civil Court, Chennai.

For Petitioner : Mr.M.Praveen Kumar
[in both revisions]

For Respondents : No appearance
[in both revisions]



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ORDER

Challenging the impugned orders passed in I.A.Nos.4 and 5 of 2023 in O.S.No.5962 of 2016 dated 27.09.2023, these Civil Revision Petitions have been filed.

2. Learned counsel appearing for the petitioner/plaintiff submits that the applications have been seeking to amend the plaint and to file additional documents. On hearing both sides, the Trial Judge had dismissed the same on the ground that after more than 7 years and after the commencement of trial, the applications are not entertainable. Aggrieved over the same, these civil revision petitions have been filed.

3. Learned counsel appearing for the petitioner/plaintiff submits that the learned Trial Judge has failed to consider the applications for amendment and to file additional documents because those applications are necessary for proper and effective adjudication of the dispute between the petitioner and the respondents. Learned counsel further submits that allowing of the amendment petition did not change the nature of the suit.



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4. Records perused. Considering the submissions made by the learned counsel appearing for the petitioner/plaintiff and since the trial has not commenced, the interlocutory applications in I.A.Nos.4 and 5 of 2023 in O.S.No.5962 of 2016 are allowed.

5. Accordingly, these Civil Revision Petitions are allowed. No costs. Connected miscellaneous petitions are closed.

21.12.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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To
1.The XVI Assistant City Civil Court,
Chennai.

2.The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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