



C.R.P.No. 4769 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4769 of 2023

and

C.M.P.No.28305 of 2023

1. Thangaraj
2. Sakthivel

... Petitioners

-Vs-

1. Sundarrajan
2. Chinnasamy
3. Sundaramurthy
4. Amudha
5. Bhupathy

...Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 20.09.2023 passed in I.A.No.2 of 2023 in O.S.No. 103 of 2021 on the file of District Munsif Court, Gobichettipalayam, Erode Dt.

For Petitioners : Mr.J.Titus Enock



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ORDER

Challenging the impugned order passed in I.A.No.2 of 2023 in O.S.No. 103 of 2021 passed by the learned District Munsif, Gobichettipalayam, Erode, the Revision Petitioners/defendants 1 and 2 preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the plaintiffs filed an application to amend the pleadings, since the court has issued a check slip in respect of property in Survey No. 674/2. So, they want to amend the pleadings granted in respect of payment of court fee as well as relief of prayer. That application was allowed inspite of objections raised by the defendants. Aggrieved over the same, the revision petitioners/defendants 1 and 2 have preferred this Civil Revision Petition.



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4. The learned counsel for revision petitioners would submit that without mentioning proper survey number, the amendment was sought by the respondents/plaintiffs 1 and 2 as such is not permissible. But, without considering the same, the trial judge erroneously allowed the said application. Hence, they prayed to set aside the findings of trial judge.

5. Records perused. On perusal of proposed amendment made by the respondents/plaintiffs 1 and 2, it reveals that they wanted to amend the court fee as well as prayer column, but not mentioned the survey number as rightly pointed out by the revision petitioners' counsel. As per the plaint averments made by the respondents/plaintiffs, the check slip was issued by the court to give correct value of property in respect of survey No. 674/3E. The same was inferred as per the Commissioner's report. So, to avoid multiplicity of proceedings, the respondents/plaintiffs 1 and 2 wanted to amend the pleadings in Survey No.675/3E and also the payment of court fee. Therefore, the trial judge has rightly appreciated the facts and allowed the application, which needs no interference. Accordingly, this Civil Revision Petition is dismissed. Liberty is granted to the Revision



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petitioners/defendants 1 and 2 to file additional written statement to that effect and the valuation of the said suit can be decided at the time of trial.

The trial judge is directed to complete the trial and dispose the case within a period of 6 months from the date of receipt of copy of this order, since because most of defendants are more than 60 years. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

21.12.2023

Index : Yes/No
Speaking Order : Yes/No
rpp

To

The District Munsif,
Gobichettipalayam,
Erode Dt.



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T.V.THAMILSELVI, J.

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