



C.R.P.(MD) No.339 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.339 of 2023

and

C.M.P.(MD) No.1647 of 2023

1.Rajammal

2.S.Veeramani

3.Alagarsamy

4.Vijyalakshmi

5.Premalakshmi

... Petitioners

Vs.

Palanisamy @ Ragu

... Respondent

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 15.09.2022 passed in I.A.No.136 of 2022 in O.S.No.65 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Kamuthi.

For Petitioners : Mr.D.Srinivasaragavan

For Respondent : Mr.Babu Jeganath



C.R.P.(MD) No.339 of 2023

ORDER

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This Civil Revision Petition has been filed against the impugned fair and decreetal order dated 15.09.2022 passed by the learned District Munsif cum Judicial Magistrate, Kamuthi in I.A.No.136 of 2022 in O.S.No.65 of 2018.

2. The suit in O.S.No.65 of 2018 was filed by the petitioners/plaintiffs seeking relief of declaration of title. During the pendency of the suit, the petitioners/plaintiffs filed an application in I.A.No.136 of 2022 seeking for amendment in the plaint in respect of the description of the suit property. The above application was dismissed by the Trial Court stating that the petitioners/plaintiffs filed the application only to drag on the proceedings.

3. During the course of hearing, the learned counsel for the petitioners/plaintiffs would submit that even in the said amendment petition also, the description of the suit property has been given without any boundaries and therefore, liberty may be given to the petitioners to file a fresh amendment petition before the Court below.

4. Considering the facts and circumstances of the case, liberty is given to the petitioners/plaintiffs to file a fresh amendment petition before the Court



C.R.P.(MD) No.339 of 2023

below. If such application is filed, the Trial Court shall consider the same on merits and in accordance with law.

5. Accordingly, this Civil Revision Petition is disposed of. No cost.

Consequently, connected Miscellaneous Petition is closed.

09.08.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

District Munsif cum Judicial Magistrate,
Kamuthi.



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C.R.P.(MD) No.339 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

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