



WEB COPY

C.R.P(MD)No.470 of 20



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.470 of 2021

and

C.M.P.(MD)Nos.2526 and 10230 of 2021

Bonaventure Roche

... Petitioner/Respondent/Defendant

Vs.

Michel Lazar Donald

... Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decretal order dated 17.02.2020 made in I.A.No.1 of 2019 in O.S.No.5 of 2016 on the file of the II Additional District Court, Thoothukudi.

For Petitioner : Mr.Thomas Rajadurai

For Respondent : Mr.H.Arumugam



ORDER

This petition has been filed to set aside the order passed in I.A.No.1 of 2019 in O.S.No.5 of 2016 dated 17.02.2020, on the file of the II Additional District Court, Thoothukudi. The Trial Court allowed I.A.No.1 of 2019 in O.S.No.5 of 2016 filed for amendment of plaint vide impugned order dated 17.02.2020.

2. The petitioner is the defendant in O.S.No.5 of 2016 before the II Additional District Court, Thoothukudi. Before the trial commenced, the petitioner filed I.A.No.1 of 2019 under Order 6 Rule 17 of CPC to amend the plaint to insert second schedule to the plaint by adding a property. As against which, the present Civil Revision Petition was filed. This Court had earlier granted interim stay of the operation of the impugned order on 12.03.2021.

3. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

4. The law in the subject is clear. As per decision in the Hon'ble Supreme Court in **Life Insurance Corporation of India v. Sanjeev Builders Private Limited and others**, 2018 (11) SCC 722, it has been held that the Courts have to be liberal and allow amendment of pleadings Pre-Trial stage. Post-Trial amendment can also be allowed subject to party establishing sufficient cause case for such amendments.



5. Therefore, there is no merits in challenge to the impugned order passed by the Trial Court allowing the I.A.No.1 of 2019 in O.S.No.5 of 2016 in the present Civil Revision Petition. The present Civil Revision Petition lacks merits. It is therefore liable to be dismissed. It is accordingly, dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

21.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Mrn

To

- 1.The II Additional District Judge, Thoothukudi.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

Mrn/kkd

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