



C.R.P.(PD)(MD).No.1002 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1002 of 2022

and

C.M.P(MD) No.3969 of 2022

1. Dhas

2. Thankadurai

3. Varadha Raj

... Petitioners / Petitioners/Plaintiffs

-vs-

1. Sundaram (died)

2. Natatrajan

3. Raj

4. P.Dharmaraj

5. N.Bai

6. N.S.Anitha

7. N.S.Binitha

.... Respondents/ Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order, dated 03.02.2022 made in I.A.No.2 of 2019 in O.S.No.130 of 2013 on the file of the Additional District Munsif Court, Padmanabhapuram.



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For Petitioners : Mr.S.C.Herold Singh

ORDER

The present Civil Revision Petition has been filed by the plaintiffs, challenging the order of dismissing an application to amend the plaint.

2. The plaintiffs have originally filed the suit for the relief of declaration of title and permanent injunction. The prayer sought for, was for particular extent of property within certain boundaries. A Commissioner was appointed in the suit and he had inspected the property on 28.07.2014. The Commissioner filed a report on 08.09.2015. As per the said report there are discrepancies in the boundaries and with regard to the extent of the property. Based upon the Commissioner report the plaintiff filed application in I.A.No. 2 of 2019, seeking to amend the schedule of the plaint in order to seek prayer for additional extent of the property and to change the boundary recitals. The said application was resisted by the defendants on the ground that the application has been belatedly filed and the same is time barred.



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3. The learned trial Judge, after considering the evidences arrived at a finding that the Commissioner report has been filed on 08.09.2015, and the present application to amend the plaint schedule property has been filed only on 21.08.2019. If really the petitioners were concerned about the additional extent and changing of the boundaries as per the Commissioner's report, they have to promptly file the said application. Therefore, I do not find any illegality or infirmity in the order passed by the trial Court rejecting the application and there is no merit in this revision petition.

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

09.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The Additional District Munsif Court,
Padmanabhapuram.

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