



WEB COPY

C.R.P(MD)No.1677 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1677 of 2023

1.Sappani

2.Vasanthakumar

... Revision Petitioners/Respondents
Defendant Nos.1&2

Vs.

Marimuthu

... Respondent/Petitioner/
Plaintiff

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.11.2022 passed in I.A.No.8 of 2022 in O.S.No.130 of 2019 on the file of the District Munsif Cum Judicial Magistrate Court, Thiruppuvanam by allowing this civil revision petition.

For Petitioners

:Mr.D.S.Haroon Rasheed

ORDER

The Civil Revision Petition is filed by the defendants against the fair and decreetal order passed in I.A.No.8 of 2022 in O.S.No.130 of 2019 by the District Munsif cum Judicial Magistrate, Thiruppuvanam.



2.The contention of the revision petitioner is that originally the suit was filed by the plaintiff in the year 2018 before the District Munsif, Manamadurai and thereafter, the same was transferred and renumbered as O.S.No.130 of 2019 before the District Munsif cum Judicial Magistrate, Thiruppuvanam. During the pendency of the above suit, the respondent/plaintiff filed an application in I.A.No.3 of 2021 for amendment of plaint and the same was allowed on 15.04.2021. Again another application in I.A.No.8 of 2022 was filed for second amendment and that application was also allowed. Again the plaintiff preferred another petition in I.A.No.5 of 2021 for appointment of an Advocate Commissioner to note down the physical features of the suit schedule property. The said application was allowed and the Advocate Commissioner was also appointed and report was filed before the trial Court. While so, the respondent/plaintiff after a lapse of 5 years took out another application in I.A.No.8 of 2023 for amending the schedule of property stating that the extent was wrongly mentioned, which is a typographical error. However, the Court below allowed the application without considering the objections made by the petitioner herein. Aggrieved by which, the revision petitioner has preferred the present Civil Revision Petition before this Court.



3.Considering the facts and circumstances of the case, the object of the amendment and the pleadings is only to have a fair adjudication in respect of the issue raised by the parties.

4.However, considering the order of the trial Judge, this Court directs the learned District Munsif-cum-Judicial Magistrate, Thiruppuvanam, to dispose the suit in O.S.No.130 of 2019 on merits and in accordance with law, as expeditiously as possible, without any unnecessary delay, after affording sufficient opportunities to the respective parties to put-forth their contentions, within a period of six months from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition is disposed of.
No costs.

14.07.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
Ns



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K.GOVINDARAJAN THILAKAVADI, J.

Ns

To

WEB COPY

- 1.The District Munsif Cum
Judicial Magistrate Court,
Thiruppuvanam
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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