



C.R.P.(PD)(MD).No.462 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.462 of 2018

and

C.M.P(MD) No.2042 of 2018

Pandeeswari

... Petitioner/1st Respondent/
Plaintiff

-VS-

1. Shanmugaraj
2. Kalidass
3. Subbiah
4. Murugan

... Respondents 1 to 4/
Petitioners/Defendants 1 to 4

5. The Tahsildar,
Virudhunagar Taluk,
Bye Pass Road,
Madurai Road,
Virudhunagar.

... 5th Respondent/ 2nd Respondent
5th defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 22.11.2017 passed in I.A.No. 755 of 2017 in O.S.No.118 of 2009 on the file of the District Munsif, Virudhunagar.



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For Petitioners : Mrs.P.Jessi Jeeva Priya

For Respondents : Mrs. S.Mahalakshmi – for R1 to R4
: Mr.G.Suriyananth
Additional Government Pleader – for R5

ORDER

The present Civil Revision Petition has been filed by the plaintiff under Article 227 of the Constitution of India, against the order dated 22.11.2017 passed in I.A.No.755 of 2017 in O.S.No.118 of 2009 on the file of the District Munsif, Virudhunagar.

2. The revision petitioner is the plaintiff. It appears that the defendants 1 to 4 have filed an amendment application before the trial Court to amend the schedule of property mentioned in the counter claim, on the ground that there was a change in the sub division of natham survey number, and came to know about the such change, only at the time of survey by the learned Advocate Commissioner. Therefore, they wanted to amend the schedule of property in their counter claim. Which was ultimately allowed by the learned trial Judge.



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3. Aggrieved with the order, the revision petitioner came up with the revision petition. The learned counsel for the revision petitioner stoutly objected the amendment application and submitted that suit is on part heard stage, and P.W.1 was cross-examined, therefore, the very order in allowing the amendment application is not in order. Therefore, he prayed to allow this revision petition so as to dismiss the amendment application.

4. However, the learned counsel for the respondents would submit that the very application was filed only on the ground that they came to know about the mistake of S.F.Number after the survey of the learned Commissioner and such filing of the amendment application will not affect the character of the suit and would further avoid multiplicity of proceedings.

5. From the facts of the case, it is obvious that only upon the change in the subdivision number by the revenue authorities, the same necessitated the respondents herein to file an amendment application. The learned trial Judge has rightly found that if the amendment application is not allowed, then it would lead to multiplicity of proceedings and thereby, allowed the same. This Court does not find any illegality or infirmity in allowing the said application.



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Therefore, this Court does not want to interfere with the order of the learned trial Judge.

6. In the result, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

03.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The District Munsif,
Virudhunagar.

2. The Tahsildar,
Virudhunagar Taluk,
Bye Pass Road,
Madurai Road,
Virudhunagar.



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C.KUMARAPPAN,J.

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