



C.R.P.(MD)No.2328 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2328 of 2023
and
C.M.P.(MD)No.11949 of 2023

1.Saravanan

2.Ravi : Petitioners/Petitioners/Plaintiffs

Vs.

1.Periyasamy

2.Jegadeesan

3.Saranya : Respondents/Respondents/Defendants

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order, dated 26.06.2023 in I.A.No.1 of 2023 in O.S.No.116 of 2014 on the file of the Additional District Munsif Court, Karur.

For Petitioners : Mr.N.Shyllappa Kalyan



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ORDER

The Civil Revision Petition is directed against the order passed in in I.A.No.1 of 2023 in O.S.No.116 of 2014, dated 26.06.2023 on the file of the Additional District Munsif Court, Karur, dismissing the petition filed under Order VI Rule 17 C.P.C.

2. Admittedly, the petitioners/plaintiffs have filed the suit in O.S.No.116 of 2014 for permanent injunction restraining the defendants therein from interfering with the peaceful possession and enjoyment of the suit property. When the suit was in part-heard stage, the plaintiffs have filed the present application seeking orders to amend the plaint so as to include the S.No.473/22.

3. According to the learned counsel for the petitioners, they came to know about the sub division, only after the cross-examination of P.W.2/Thasildar.



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4. The suit is pending from 2014 for the past nine years. Moreover, since the suit is for permanent injunction, the petitioners have given four boundaries specifically in the schedule of properties. In the impugned order, the learned trial Judge taking note of the fact that there is no material to prove that S.No.473/22 is in the suit property, dismissed the petition.

5.Considering the above, the impugned order dismissing the petition cannot be found fault with. Hence, this Court concludes that the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed. However, since the suit is of the year 2014, the trial Court is hereby directed to dispose of the suit within a period of three months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

19.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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To

1. The Additional District Munsif Court, Karur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2328 of 2023
and
C.M.P.(MD)No.11949 of 2023

Dated : 19.10.2023