



C.R.P.(MD)No.2478 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2478 of 2023

and

C.M.P.(MD)No.12912 of 2023

1. Karthick
2. Muthukaruppan
3. Vasudevan
4. Vairavalli Anandan
5. Ayyan Perumal
6. Vairamuthu
7. Seemaichamy
8. Perumal
9. Pachaimal

... Petitioners 1 to 9/
Petitioners 2 to 10/
Defendants 2 to 10

Vs.

Muppakkarai (died)

... Respondent/
1st Plaintiff



C.R.P.(MD)No.2478 of 2023

... 1st Respondent/
2nd Respondent/
2nd Plaintiff

(1st Respondent on representative capacity and
Poosari of Five Pangalis of Arulmighu Melaichamy
Thirukovil Devotees, Melakulam Village, Kariapatti
Taluk, Virudhunagar District)

Muthuramu (died)

Ayyappan (died)

2. Krishnan

3. Periyasamy

4. Ramasamy

5. Thangamuthu

6. The District Collector,
District Collector Office,
Virudhunagar, Virudhunagar District.

7. The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai, Virudhunagar District.

8. The Tahsildar,
Tahsildar Office,
Kariapatti,
Virudhunagar District.

9. The Revenue Inspector,
Tahsildar Office,
Kariapatti,
Virudhunagar District.



C.R.P.(MD)No.2478 of 2023

10. The Deputy Tahsildar,
Tahsildar Office,
Kariapatti,
Virudhunagar District.
11. The Village Administrative Officer,
Melakallankulam Village,
Mushtakurichi Post,
Kariapatti Taluk,
Virudhunagar District.
12. The Panchayat President,
Melakallankulam Village,
Mushtakurichi Post,
Kariapatti Taluk,
Virudhunagar District.

... Respondents 2 to 12/
Petitioners 13 to 23/
Defendants 13 to 23

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 24.03.2023 made in I.A.No.7 of 2023 in O.S.No.45 of 2010 on the file of Additional District Munsif Court, Aruppukottai and allow the civil revision petition.

For Petitioners	: Mr.V.Sasikumar
For R6 to R12	: Mr.A.Baskaran Additional Government Pleader

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.7 of 2023 in O.S.No.45 of 2010 dated 24.03.2023 on the file of the



C.R.P.(MD)No.2478 of 2023

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Additional District Munsif Court, Aruppukottai, dismissing the amendment petition.

2. For the sake of convenience and brevity, the parties hereinafter will be referred to as per their ranking/status before the trial Court.

3. The plaintiff Muppakkarai has filed a suit on representative capacity for permanent injunction restraining the defendants from interfering with the construction made therein.

4. It was represented that when the suit was in part heard stage, the defendants have filed the present application seeking amendment in the written statement in paragraph No.4 while denying the plaint averments □என்று கூறுவதும்□was omitted to be typed and hence, the above application came to be filed for incorporating the said words in the written statement. The plaintiff has filed a counter statement raising serious objections to the proposed amendment mainly on the ground that the defendants have admitted that the suit property was belonging to five pangalis. The learned Additional District Munsif, after enquiry, by



C.R.P.(MD)No.2478 of 2023

observing that though the suit was filed in the year 2010, the defendants were not diligent and that since the suit was pending for 13 years, he was not inclined to allow the proposed amendment and dismissed the amendment application.

5. Even according to the defendants 2 to 10, it is only a typographical error and as rightly pointed out by the learned counsel appearing for the defendants 2 to 10, the entire paragraph No.4 of the written statement deals with the denial of the plaint averments.

6. According to the learned counsel appearing for the defendants 2 to 10, when proof of affidavit of the second defendant was filed, paragraph No.4 of the written statement came to be typed.

7. Since the defendants 2 to 10 have themselves admitted that it is only a typographical error and also the fact that denial of plaint averment alone finds place in the said paragraph, seeking amendment of the written statement at this stage and that too, after 13 years since the filing of the suit, is not proper and cannot be entertained. Hence, this Court is not



C.R.P.(MD)No.2478 of 2023

inclined to interfere with the order passed by the learned Additional District Munsif, Aruppukottai. Consequently, this Court concludes that the Civil Revision Petition is devoid of merit and the same is liable to be dismissed.

8. In the result, this Civil Revision Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

03.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The District Collector,
District Collector Office,
Virudhunagar,
Virudhunagar District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai,
Virudhunagar District.
3. The Tahsildar,
Tahsildar Office,
Kariapatti,
Virudhunagar District.



C.R.P.(MD)No.2478 of 2023

4. The Revenue Inspector,
Tahsildar Office,
Kariapatti,
Virudhunagar District.
5. The Deputy Tahsildar,
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Kariapatti,
Virudhunagar District.
6. The Village Administrative Officer,
Melakallankulam Village,
Mushtakurichi Post,
Kariapatti Taluk,
Virudhunagar District.
7. The Panchayat President,
Melakallankulam Village,
Mushtakurichi Post,
Kariapatti Taluk,
Virudhunagar District.
8. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.2478 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.2478 of 2023
and
C.M.P.(MD)No.12912 of 2023

Dated : 03.10.2023