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CRP No.382 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.382 of 2024

1.Sridevi
2.Minor Dhanyashree
3.Minor V.Dharshana

... Petitioners

Vs.

1.Saraswathi
2.Paramasivam

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order in IA No.3 of 2023 in OS No.151 of 2017 dated 10.11.2023 on the file of the District Munsif Court, Perundurai and allow the civil revision petition.

For Petitioners : Mr.M.Guruprasad



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ORDER

The civil revision petition is filed to set aside the fair and decreetal order in IA No.3 of 2023 in OS No.151 of 2017 dated 10.11.2023 on the file of the District Munsif Court, Perundurai and allow the civil revision petition.

2. The revision petitions are defendants 3 to 5, first respondent is the plaintiff and the second respondent is the second defendant in OS No.151 of 2017 on the file of the District Munsif Court, Perundurai. The first respondent/plaintiff has filed the suit against the defendants for declaration. Pending suit, the first respondent/plaintiff has filed IA No.3 of 2023 in OS.No.151 of 2017 to amend the plaint prayer, instead of the word to declare, amend it as rectification. The trial court, by order dated 10.11.2023, had allowed the application. Challenging the said order, the petitioners have filed the present civil revision petition.



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3. The learned counsel for the petitioners objected the amendment on the ground of limitation. He submits that the period for seeking rectification is barred by limitation. Therefore, it is unsustainable to amend the plaint at the later stage. Hence, seeking to allow the Revision.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. On a perusal of the impugned order and records, it is noticed that the originally, the plaintiff has filed the suit for declaration with regard to correct the survey number of the suit property in RS No.320/7 P.H.).91.50 of Pallapalayam village instead of R.S.No.319/1 P.H. 0.50.0 of Pallapalayam village. Subsequently, the plaintiff filed amendment petition and the same was allowed and the prayer is amended. In order to adjudicate the dispute between the parties, based upon the rival claims and pleadings, the amendment has to be allowed. Generally, amendment has to be liberally allowed, in order to give complete adjudication to the dispute between the



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parties. Therefore, allowing the amendment by the trial court is in accordance with law. There is no infirmity in the order passed by the trial court. There is no ground for interference. There is no merit in the Revision. Hence, the Civil Revision Petition is dismissed. The revision petitioners are at liberty to raise all their defense including limitation before the trial court. There shall be no order as to costs. consequently, CMP No.1819 of 2024 is closed.

28.02.2024

Index: Yes/No
Internet: Yes/No
mrn

To
The District Munsif Court, Perundurai

V.SIVAGNANAM, J.,



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