



CRP No.4241 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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L.Krishnamoorthy

... Petitioner

Vs.

V.Aniruth

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the erroneous order passed by the court below in IA No.4 of 2022 in OS No.163 of 2016 dated 25.01.2023 on the file of the District Munsif Court, Madurantakam.

For Petitioner : Mr.A.Thangavel

For Respondent : Mr.S.Prem Auxilian Raj

ORDER

The civil revision petition is filed to set aside the erroneous order passed by the court below in IA No.4 of 2022 in OS No.163 of 2016 dated 25.01.2023 on the file of the District Munsif Court, Madurantakam.



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2. The revision petitioner is the defendant and the respondent is the plaintiff in OS No.163 of 2016 on the file of the District Munsif Court, Maduratakam. Originally, the respondent/plaintiff has filed the suit for bare injunction. Pending trial, the plaintiff has filed an application in IA No.4 of 2022 to permit the respondent/plaintiff to amend the plaint. According to the petitioner, the respondent/plaintiff had filed the said application to protract the proceedings and added new properties in the plaint schedule. The trial court, without considering the said aspect, by order dated 25.01.2023, had allowed the said application. Challenging the said order, the petitioner has filed the present civil revision petition.

3. Learned counsel for the petitioner submits that the respondent has filed the amendment application only to protract the proceedings and added new properties in the plaint schedule. Hence, seeking to set aside the order passed by the trial court and allow this Revision.



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4. Learned counsel for the respondent supported the impugned order passed by the trial court and further contended that in the written statement, since the defendant has claimed ownership over the plaint schedule property, the plaintiff has to necessarily amend the plaint to declare his title over the property and further contended that the respondent/plaintiff will not introduce any new property in the suit, he only sought amendment for declaring title over the plaint schedule properties. Therefore, there is no reason interfere with the order passed by the trial court and seeking to dismiss the Revision.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. It is also not disputed that in the written statement, the defendant claimed title over the plaint schedule property. Under these circumstances, it is necessary to decide the title over the property. Further, the plaintiff has not introduced any new properties in the suit and the subject matter of the



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suit property is also same. The plaintiff has sought only for declaration over the plaint schedule properties.

7. The trial court considering the contention of the parties, and since the defendant denied the title of the plaintiff over the plaint schedule property, in order to give effective adjudication of all the matters in issue, has allowed the amendment petition. There is no infirmity in the order passed by the trial. There is no ground to interfere in the order passed by the trial court. There is no merit in the Revision. Hence, the civil revision petition is dismissed. There shall be no order as to costs. Consequently, CMP No.25805 of 2023 is closed.

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Index: Yes/No
Internet: Yes/No
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The District Munsif Court, Madurantakam.



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V.SIVAGNANAM, J.

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