



CRP.No.3020 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.3020 of 2021**  
**and**  
**CMP.No.21425 of 2021**

Kumar

... Petitioner

Vs.

Kuppuswamy

...Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 03.08.2021 passed in IA.No.1864 of 2017 in OS.No.132 of 2014 on the file of the Additional District Munsif Court, Gingee.

For Petitioner : Mr.G.Palani  
For Respondent : Mr.P.Paramasivados

**ORDER**

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application for amendment filed by the



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petitioner/defendant.

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2. The respondent herein filed a suit for bare injunction against the petitioner in respect of property in new S.No.127/14B in Periya Nolambai Village, Gingee Taluk, Villupuram District. The petitioner herein filed a written statement and also resisted the suit by claiming right over the suit property under partition deed dated 06.07.1987.

3. Later on, the petitioner herein filed amendment application seeking permission of the Court to amend survey numbers mentioned in the written statement as S.Nos.127/14D and 127/14E instead of S.Nos.127/14E and 127/14F. The said amendment application was dismissed by the Court below on the ground that amendment cannot be made to enable the parties to withdraw the admission made earlier.

4. The petitioner herein in the written statement claimed right over the property in S.Nos.127/14E and 127/14F under partition deed dated 06.07.1987. Now in the affidavit filed in support of the amendment



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application, it is stated by the petitioner that, in another suit filed by the petitioner it was found out the correct Survey Numbers for the property in his possession was one in S.Nos.127/14D and 127/14E and therefore, the petitioner shall be permitted to amend the written statement. The petitioner filed a written statement clearly claiming right under the partition deed dated 06.07.1987 with new survey numbers of the property over which he claimed the right. When he mentioned the survey numbers as S.Nos.127/14E and 127/F, as found in partition deed, it is not open to the petitioner to seek amendment of the pleadings without seeking amendment of the survey numbers mentioned in his title document namely partition deed.

5. Therefore, I do not find any error in the order passed by the Court below and accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

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**To**

The Additional District Munsif Court, Gingee.



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**S.SOUNTHAR, J.**

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**08.02.2024**