



C.R.P.(PD).No. 3900 & 3901 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).Nos. 3900 & 3901 of 2024

&

C.M.P.No. 21363 of 2024

Nallaye Ammal (Died)

1.Natarajan

2.Shanmugam

...Petitioners in both petitions.

Vs.

1.Poorasami

2.Ramesh

3.Dhinesh

4.Vignesh

5.Vinothini

...Respondents in both



petitions.

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C.R.P.(PD).No. 3900 & 3901 of 2024

Prayer in CRP/3900/2024: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 02.03.2024 passed in I.A.No.1105 of 2023 in O.S.No.183 of 2017 on the file of the I Additional District Munsif, Kallakurichi.

Prayer in CRP/3901/2024: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 02.03.2024 passed in I.A.No.1106 of 2023 in O.S.No.183 of 2017 on the file of the I Additional District Munsif, Kallakurichi.

For Petitioners : Ms. R.Divyapreathika

ORDER



Typographical error was sought to be corrected by the plaintiff by filing an application for amendment of the plaint in I.A.No.1105 of 2023 in O.S.No.183 of 2017. I.A.No.1106 of 2023 has been filed to re-open the evidence. The learned I Additional District Munsif, Kallakurichi, allowed the applications. Hence, the revision at the instance of the defendants.

2. O.S.No.183 of 2017 is a suit for permanent injunction restraining the defendants from interfering with the suit pathway. In the plaint, the plaintiff had pleaded that the suit pathway is situate in S.No.19/1B and 6/1B. A written statement was filed and the parties went for Trial. The evidence has also been concluded and the matter is listed for arguments.

3. At that stage, the plaintiff realised the typographical error made in the plaint. Hence, the plaintiff took out an application for amendment of the plaint. The learned Trial Judge came to the



conclusion that it is only a typographical error and allowed the same.

Hence, this revision.

4. Ms.R.Divyapreathika would draw my attention to her written statement and pleads that even at the earliest point of time, she had mentioned that the suit pathway is situate in the numbers which are sought to be corrected and not as originally given in the plaint. Therefore, she would plead that this application ought not to have been allowed by the Trial Court.

5. A perusal of the typed set of papers would show that a rough plan had been annexed to the written statement by the defendants. A perusal of the rough plan at page No. 33 of the typed set of papers would show that 19/1B belongs to the plaintiff and the pathway is situate in 19/1A. There is no dispute in the identity of the property between the parties. When such is the situation, correction of



typographical error neither changes cause of action of the suit nor does it take the defendants by surprise. In fact, the defendants have been fair to the Court by filing a plan which correctly shows the lie of the property. The plaintiff should have been vigilant at the time of drafting of the plaint. Due to the mistake committed at the time of drafting of the plaint, I do not want to penalise the party.

6. Since, the amendment application has been allowed necessarily, the reopen application is also ordered.

7. In the light of the above discussion, the Civil Revision Petitions are dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

26.09.2024

Index : Yes/No
Internet : Yes/No
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To

The I Additional District Munsif,
Kallakurichi.



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V.LAKSHMINARAYANAN, J.

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