



C.R.P(MD)No.559 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.559 of 2024
and C.M.P(MD)No.2749 of 2024

G.Subramanian ...Petitioner/Respondent/Respondent

Vs.

Pathirakali ... Respondent/Petitioner/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 06.01.2024 in E.A.No.8 of 2023 in E.P.No.13 of 2019 in O.S.No.253 of 2003 on the file of the District Munsif Court, Rajapalayam.

For Petitioner : Mr.Y.Prakash
For Respondent : Mr.Santhosh Kumar

ORDER

This Civil Revision Petition is filed to set aside the order dated 06.01.2024 in E.A.No.8 of 2023 in E.P.No.13 of 2019 in O.S.No.253 of 2003 on the file of the District Munsif Court, Rajapalayam.



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2. In spite of repeated adjournments, the learned counsel for the petitioner is not ready to argue the matter today also.

3. Today, when the matter is taken up for hearing, the learned counsel for the respondent is present.

4. The learned counsel for the respondent submitted that already the respondent herein has filed I.A.No.1 of 2023 in O.S.No. 253 of 2003 for amending Survey No.110/11, Block No.22 instead of Survey No.110/B, Block No.28. That petition was allowed by order dated 06.01.2024. He has produced a certified copy of the order passed in I.A.No.1 of 2023 in O.S.No.253 of 2003 dated 06.01.2024. The learned counsel for the respondent would further submit that the said amendment is carried out in the plaint as well as in the decree.



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5. A reading of the order passed in I.A.No.1 of 2023 in O.S.No.253 of 2003 shows that even though in the original plaint as well as in the decree, survey number is mentioned as 110/B, Block No.28 but the correct Survey number is 110/11, Block No.22. There is no difference or contradiction with regard to the four boundaries. After coming to the above said conclusion, the trial court has allowed the application.

6. It is pertinent to note that the petitioner has not challenged the order dated 06.01.2024 passed in I.A.No.1 of 2023 in O.S.No. 253 of 2003 in the present Civil Revision Petition. The order challenged in this revision is also dated 06.01.2024 but the same was passed in E.A.No.8 of 2023 in E.P.No.13 of 2019 in O.S.No.253 of 2003. The same relief is sought in both petitions.

7. I am of the view that only after verification of records only, the trial court allowed the amendment. Hence, I find no reason to interfere with the order passed by the trial court and the same does



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not suffer from any illegality or irregularity. The revision fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To

1. The District Munsif Court, Rajapalayam.
2. The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G. ILANGO VAN, J.

CM

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