



WEB COPY

C.RP(MD)No.1266 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)No.1266 of 2024

and

C.M.P(MD)No.7295 of 2024

Ashok Kumar

... Petitioner/Respondent/
Plaintiff

Vs.

K.Syed Mubarak

...Respondent/Respondent/
Defendant

Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order dated 20.02.2024 passed in I.A.No.225 of 2023 in O.S.No.31 of 2022 on the file of the District Munsif Court, Thiruvaiyaru, Thanjavur District.

For Petitioner
For Respondent

:Mr.P.Edin Brough(no appearance)
:Mr.B.Surgunam

ORDER

This Civil Revision Petition is filed against the fair and decreetal order passed by the learned District Munsif, Thiruvaiyaru, in IA.No.225 of 2023 in O.S.No.31 of 2022.



2.By the said interlocutory application, the respondent herein had prayed to amend the plaint under Order VI Rule 17 of the Code of Civil Procedure. The amendments which are sought in the said application is to correct the averment in paragraph No.6. In the petition, the reasons were mentioned as to why the said averment is wrong and the averment was wrongly made. Considering the merits of the said prayer, the trial Court has permitted the amendment to be carried out. Aggrieved by the same, the petitioner is before this Court.

3.When the matter came up for hearing on 04.07.2024, adjournment was granted on behalf of the petitioner with a specific condition that the matter is posted as a last chance today for argument. The matter is listed today. Today also there is no representation on behalf of the petitioner.

4.The learned counsel appearing on behalf of the respondent would submit that there was also connected writ proceedings between the parties in W.P(MD).No.23947 of 2023, where under this Court had rejected the petitioner's case in view of the detailed enquiry conducted by the Revenue Divisional Officer.



5.Be that as it may, when the trial Court has found that the party has given proper reasons to amend the particular pleading, and exercised the jurisdiction, this Court does not find any reason to interfere with the same.

Accordingly, finding no merits, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.07.2024

NCC:Yes/No
Ns

To
1.The District Munsif Court,
Thiruvaiyaru,
Thanjavur District.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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