



C.R.P(MD)No.1547 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

**C.R.P(MD)No.1547 of 2024
and
C.M.P(MD).No.9131 of 2024**

Durai Sambantham

... Petitioner

Vs.

1.Raja Pandian

2.The Sub-Registrar,
O/o., The Sub Registrar,
Mahan Nombu Chavadi,
Near Sivagangai Poonga,
Thanjavur, Thanjavur District.

3.Nageshwaran

4.Amutha

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the fair and decreetal order passed in I.A.No.6 of 2024 in I.A.No.3 of 2022 in O.S.No.64 of 2020 on the file of the Additional Subordinate Court, Thanjavur and set aside the same by allowing this civil revision petition.

For Petitioner

: Mr.PR Boomee Rajan



C.R.P(MD)No.1547 of 2024

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ORDER

This civil revision petition arises out of the fair and decreetal order dated 11.03.2024 made in I.A.No.6 of 2024 in I.A.No.3 of 2022 in O.S.No.64 of 2020. By the said Interlocutory Application, the prayer was made to amend I.A.No.3 of 2022. I.A.No.3 of 2022 itself is to amend the plaint. I.A.No.6 of 2024 is the second application to amend the amendment application.

2. The trial Court, taking note of the manner in which the amendment petition is filed and thereafter, the first amendment application to the amendment petition is filed, which was also permitted, rejected the second amendment application. A perusal of the reasonings mentioned in paragraph 4.1 to 4.3 of the order assailed in the civil revision petition, no exception can be taken to the findings of the trial Court.

3. When the amendment, which is now sought to the amendment petition, is in the nature of Court fees and the reliefs, etc, it cannot be said that the parties is put to substantial prejudice. In any event, the party should realize at some point of time these are matters before a Court of law and when they file a petition, they have to file it in proper form with due application of mind. When



C.R.P(MD)No.1547 of 2024

the amendment application itself is filed to correct the mistake and even once the Court allowed the application to amend the amendment application in favour of the petitioner/ plaintiff, the plaintiff has come up with the second petition to amend the amendment application and therefore, finding no merits, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

16.07.2024

NCC:Yes/No

Index:Yes/No

Rmk

To

The Additional Subordinate Judge, Thanjavur.



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C.R.P(MD)No.1547 of 2024

D.BHARATHA CHAKRAVARTHY, J.

Rmk

C.R.P(MD)No.1547 of 2024

16.07.2024