



C.R.P(MD)No.2025 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2025 of 2024
and
C.M.P(MD)No.11533 of 2024

Palani

... Petitioner /
Respondent /
Defendant

Vs.

Padmanaban

... Respondent /
Petitioner /
Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 27.02.2024 made in I.A.No.8 of 2024 in O.S.No.116 of 2016 on the file of the learned Additional District Munsif, Lalgudi and allow the above Revision Petition.

For Petitioner : Ms.K.Vidya



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ORDER

Heard the learned counsel for the revision petitioner.

2.The revision petitioner questions the impugned order passed by the trial Court permitting the amendment of the suit schedule.

3.The learned counsel for the revision petitioner points out that the amendment petition was filed after the cross examination of DW.1 was over. She also points out that it is a second amendment. Her fundamental contention is that the suit schedule is sought to be amended in tune with the Advocate Commissioner's report. She remarked that the Advocate Commissioner did not give any notice before conducting inspection.

4.Though the amendment application appears to be rather belated, I am of the view that it does not really prejudice the revision petitioner. It is only the suit schedule that is sought to be amended. Since the amendment has been permitted at this stage, the revision petitioner is permitted to file an additional written statement. Since the revision



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petitioner has certain grievances regarding the Advocate Commissioner's report, the revision petitioner is also permitted to file a fresh petition for reissuance of warrant. I am granting such liberty to the petitioner since complaint has been made that he did not receive notice before the Advocate Commissioner carried out his inspection. With the aforesaid liberty in favour of the revision petitioner, the impugned order is sustained.

5.This Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Additional District Munsif,
Lalgudi.

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G.R.SWAMINATHAN, J.

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