



C.R.P.(MD)No.1996 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1996 of 2024
and
C.M.P.(MD)No.11312 of 2024

Ali Akbar ... Revision Petitioner / Respondent / Defendant

Vs.

Beer Mohamed ... Respondent / Petitioner / Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 07.06.2024 in I.A.No.03 of 2024 in O.S.No.115 of 2022 on the file of the Sub Court, Mudukulathur.

For Petitioner : Mr.R.Gowrishankar

ORDER

Heard the learned counsel for the revision petitioner.

2. He is figuring as the sole defendant in O.S.No.115 of 2022 on the file of the Sub Court, Mudhukulathur. The plaintiff filed I.A.No.3 of 2024 for



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amending the extent of the suit property and also one of the four boundaries.

The trial Court vide order dated 07.06.2024 allowed the amendment.

Questioning the same, this Civil Revision Petition has been filed.

3. The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. I am not swayed by the said submission. Admittedly, amendment has been sought prior to the commencement of the trial. It has been consistently held that the courts should be liberal in the matter of pre-trial amendments. The plaintiff appears to have sought amendment after the submission of the report of the advocate commissioner. The plaintiff could not have been denied the relief merely on this ground. After all, the extent of the property is sought to be reduced. The court below has given convincing reasons for allowing the amendment. Interference is not warranted. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Sub Court, Mudukulathur.



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G.R.SWAMINATHAN, J.

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