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C.R.P.(MD)Nos.1889 & 1890 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).Nos.1889 & 1890 of 2021 and
C.M.P.(MD)No.10191 of 2021

1. S.Bakiyalakshmi
2. S.Mohana Ramakrishnan ... Revision Petitioners /
Respondents 1 & 2 /
Defendants 1 & 2
in both petitions

Vs.

1. P.Rajaguru
2. P.Bagavathsingh
Through his power agent
T.Dhinakaran ... Respondents 1& 2/ Petitioners /
Plaintiffs
3. R.Kannan
4. R.Vasudevan
5. R.Srinivasan ... Respondents 3 to 5 /
Respondents 3 to 5/
Defendants 3 to 5
in both petitions

COMMON PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 30.09.2021 made in I.A.Nos.2 and 3 of 2021 in O.S.No.26 of 2016 on the file of the District Munsif, Theni.



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C.R.P.(MD)Nos.1889 & 1890 of 2021

For Petitioners : Mr.S.Siva Thilakar

For R-1 & R-2 : Mr.R.Shankar Ganesh

For R-3 to R-5 : No appearance.

ORDER

Heard both sides.

2. The defendants in O.S.No.26 of 2016 on the file of the District Munsif, Theni are the revision petitioners. The plaintiffs filed two IAs. One of them was for amending the plaint and other IA was for reopening their side only to effect the amendment; it is not for any other purposes. It is seen that after the case was posted for arguments, the amendment application came to be filed.

3. I wanted to know if as a result of the amendment, the extent of the suit schedule properties would get enhanced or get lessened. It is not in dispute that the extent would get lessened. I am of the view that this will not in any way prejudice the cause of the revision petitioners.



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4. I make it clear that the plaintiffs cannot be permitted to adduce any further evidence. The evidence already adduced by the plaintiff can be properly appreciated in the light of the amendment now made. Since I am satisfied that the revision petitioner's rights are not in any way affected, I would not interfere with the impugned orders passed by the Court below. This civil revision petitions stand dismissed. The Court below is directed to dispose of O.S.No.26 of 2016 on merits and in accordance with law after hearing the arguments within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2024

Index : Yes/No
Internet: Yes/No
PMU

To

The District Munsif,
Theni.



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G.R.SWAMINATHAN,J.

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