



C.R.P.(MD)No.2277 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2277 of 2024
and
C.M.P.(MD)No.12905 of 2024

Mani @ Seeman Rowtharya Pillai
Possari & Trustee of Arulmigu Sree
Pattani Chokka Rowutharaya Ayyanar Temple,
Vasanthanagar, Madurai. ... Petitioner / Petitioner / Plaintiff

Vs.

1.The Head Master,
Thiyagarajar Higher Secondary School,
Vasanthanagar, Madurai-3.
2.The General Manager,
Meenakshi Mills Ltd.,
Paravai, Madurai. ... Respondents / Respondents / Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 04.06.2024 passed in I.A.No.1 of 2023 in O.S.No.1046 of 2011 on the file of the First Additional District Munsif Court, Madurai by allowing this revision petitioner and issue an appropriate order.

For Petitioner : Mr.J.Mathesh

For Respondents : Mr.M.Sridher



C.R.P.(MD)No.2277 of 2024

WEB COPY

ORDER

Heard both sides.

2. The plaintiff in O.S.No.1046 of 2011 on the file of the first Additional District Munsif Court, Madurai Town, is the revision petitioner. The suit is for permanent injunction. The plaintiff filed I.A.No.1 of 2023 for amendment of the plaint. IA was dismissed vide order dated 04.06.2024. Questioning the same, this civil revision petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of civil revision petition 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. As rightly pointed out by the learned counsel appearing for the respondents, the plaintiff in the case of amendment cannot add a new property altogether. The original suit schedule is sought to be amended as Item No.1. Item No.2 is sought to be added. This completely alters the cause of action and the character of the suit. Therefore, the court below was justified in dismissing the IA. Interference is not



C.R.P.(MD)No.2277 of 2024

warranted. This Civil Revision Petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

19.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
rmi

To:

The First Additional District Munsif Court, Madurai.



WEB COPY



C.R.P.(MD)No.2277 of 2024

G.R.SWAMINATHAN, J.

rmi

C.R.P.(MD)No.2277 of 2024

19.10.2024