



C.R.P(MD)No.2143 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.01.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2143 of 2019

and

C.M.P(MD)No.11276 of 2019

1.Madasamy

2.Samy

3.Mariappan

4.Kalipandi

5.Muthupandi

6.Malathi

7.Panchavarnam

: Petitioners

Vs.

1.Mariappan

2.Bose

3.Muthuraj

4.Subbuthai

: Respondents



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Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 18.09.2019 passed in I.A.No.1 of 2019 in O.S.No.88 of 2014 on the file of the Additional District Munsif Court, Sankarankovil.

For Petitioner : Mr.R.J.Karthick

For Respondents : No Appearance

ORDER

The Civil Revision Petition is directed against the order passed in in I.A.No.1 of 2019 in O.S.No.88 of 2014, dated 18.09.2019 on the file of the Additional District Munsif Court, Sankarankovil, allowing the petition filed under Order VI Rule 17 C.P.C.

2. The respondents/plaintiffs have filed the above suit for declaration and for permanent injunction in respect of 19 items of the suit properties. The revision petitioners have filed their written statement and when the suit was in part heard stage, the defendants have filed the above application seeking permission to amend the written statement.



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3. It is evident from the records that the defendants have sought to amend the written statement by replacing the words “suit 1, 2, 10” as “ suit 1 to 10” and the learned District Munsif taking note of the nature of the amendment, allowed the petition. Challenging the same, the present revision came to be filed.

4. Despite the receipt of notice, the respondents have not turned up. When the matter is taken up for hearing today, the learned counsel for the petitioners would submit that after carrying out the amendments, the trial was proceeded and now posted for defendants side arguments. He would further submit that the trial Court may be directed to dispose of the suit within a time frame to be fixed by this Court.

5. Considering the entire facts and circumstances of the case and also the nature of the amendment sought for, the impugned order allowing the petition cannot be found fault with. Hence, this Court concludes that the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.



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6. In the result, the Civil Revision Petition is dismissed. However, since the suit is pending from 2014, the learned Additional District Munsif, Sankarankovil, is hereby directed to complete the trial and dispose of the suit in O.S.No.88 of 2014 within a period of two months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

18.01.2024

NCC :yes/No
Index :yes/No
Internet :yes/No
das

To

1. The Additional District Munsif, Sankarankovil.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.2143 of 2019

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2143 of 2019
and
C.M.P(MD)No.11276 of 2019

Dated : 18.01.2024