



CRP(PD).No.858 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

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CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

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and

CMP.No.5095 of 2025

1.Mr.Selvaraj

2.Sivakumar

... Petitioners

Vs.

Mrs. Punniyavathy (Died)

1.V.Sekar

2.V.Balu

3.P.Devaki

Mrs. Prema (Died)

Mr. Masilamani (Died)

4.Mrs.Alamelu

5.Mrs. R.Mani

6.J.J.B. Reality Pvt Ltd.

Rep. by its Director,

Mr.Kunal Shreepal Dalal

S/o. Shreepal Dala, 151, Pushpak Apartments,

Altamount Road, Mumbai – 400026.



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Yamuna (Died)

7.Loganayaki @ Premalatha

8.Sundari

9.Ramani

10.Amutha

11.V.Manickam

12.Mrs.Kothanayaki

13.M/s. Classic Kudumbam,
Rep. by its Proprietrix Bhanumathi,
W/o, R.Baba, Shankar,
Plt.No.16-A -19A,
Classic Farms Road,
Sholinganallur, Chennai - 600119

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decree passed in IA.No.7/2024 in OS.No.207/2024 dated 15.11.2024 on the file of the Hon'ble District Munsif Cum Judicial Magistrate Sholinganallur.

For Petitioner : M/s.T.N.Rajagopalan
for J.Abdul Hadi

For Respondent : M/s.M.Thangadurai
for R.1 to R.3 Caveators



ORDER

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Challenging the order passed by the District Munsif Cum Judicial Magistrate Sholinganallur, dated 15.11.2024 in IA.No.7/2024 in OS.No.207/2024, the defendants 2 and 8 are the petitioners before this Court.

2. Since the impugned order is a non-speaking one, I do not propose to discuss in detail the facts and the merits of the case.

3. Suffice it to state that a petition for amending the plaint by correcting the errors in the measurements and survey numbers of the suit schedule property has been filed by the plaintiffs. The 2nd defendant who had filed a counter for himself and on behalf of respondents 3 and 6 to 10 had objected to the said application by contending that the amendment would amount to introducing a new case. However, the learned District Munsif, Sholinganalur has simply allowed the application without considering the objections as follows:-

“On careful perusal it is pertinent to that no prejudice would cause to the respondent if the new



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survey numbers are added in to the suit schedule properties. Apart it would facilitate both the parties to avoid multiplicity of proceedings. Therefore, in the interest of justice this Court is inclined to allow this present application.”

Challenging this non speaking order, the petitioners are before this Court.

4. Heard the learned counsel for the petitioners and the learned counsel for the contesting respondents 1 to 3, namely, the plaintiffs.

5. Taking note of the fact that the impugned order does not contain any discussion and is a non-speaking one, the same is set aside.

6. Accordingly, the Civil Revision Petition is allowed and IA.No.7 of 2024 is remitted back to the file of the District Munsif Cum Judicial Magistrate Sholingnallur for fresh consideration. The learned Judge shall after hearing the both parties pass a detailed



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speaking order. No costs. Consequently, the connected Miscellaneous

Petition is closed.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

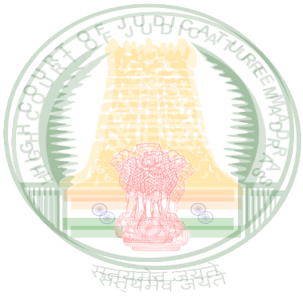
Neutral Citation : Yes/No

To

1.The District Munsif Cum Judicial Magistrate Sholinganallur.

P.T. ASHA. J.,

(shr)



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