



C.R.P.Nos.4434 & 4435 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.Nos.4434 & 4435 of 2024
C.M.P.Nos.24710 & 24711 of 2024

In Both C.R.P.'s:-

Chellappan

...Petitioner

Vs

1.Baskaran

2.V.Rajeshkumar

3.L.Jotheswari

...Respondents

PRAYER in C.R.P.No.4434 of 2024:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order passed by the District Munsif, Madurantakam, Chengalpet District, in I.A.No.17 of 2024 in O.S.No.27 of 2013 dated 29.08.2024.

PRAYER in C.R.P.No.4435 of 2024 :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order passed by the District Munsif, Madurantakam, Chengalpet District, in I.A.No.16 of 2024 in O.S.No.27 of 2013 dated 29.08.2024.

In Both C.R.P.'s:-

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.R.Ragavendran for R1



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ORDER

Challenging the dismissal of their applications for amending the plaint and for reopening the suit O.S.No.27 of 2013 for amending the plaint, the plaintiff is the revision petitioner before this Court.

2.The plaintiff had filed the suit for permanent injunction restraining the respondents herein, their men, agents, servants or representatives from in anyway preventing him from using C schedule cart track to reach the A schedule property from Madurantakam to Uthiramerur Road.

3.In the plaint in paragraph No.4 the petitioner/plaintiff has described the cart track as one which runs west to east from Madurantakam to Uthiramerur road. Pending the suit, the Commissioner has inspected the suit property and has filed a report and plan wherein the Commissioner has described the cart track as running east to west from Madurantakam to Uthiramerur Road. Therefore, the petitioner has come forward with the application stating that the direction given has to be corrected.

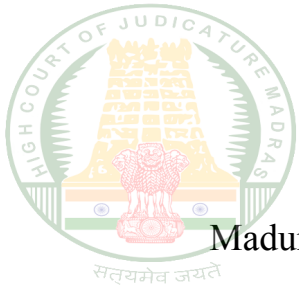


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4.Heard the learned counsel for the petitioner and perused the records.

5.A mere perusal of the plan would clearly indicate that the cart track which is described in paragraph No.4 and the cart track in the Commissioner's plan are one and the same and the Court below has rightly rejected the said application. No doubt the rejection is on the ground of delay and on the ground that trial has commenced. However beyond these facts the very amendment to say the least is absurd as the cart track is one that if one were to start from the Madurantakam to Uthiramerur road, then it would run from east to west and if the person stands at the other end from S.No.326/18 it would be running from west to east towards the Madurantakam to Uthiramerur road. The cart track is one and the same and whether it is referred to as an east west cart track or west east cart track. The very amendment is nothing but a frivolous litigation and a waste of the Court's time. Therefore, I see no reason to interfere with the order passed by the learned District Munsif,



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Madurantakam, Chengalpattu District. The learned District Munsif,

WEB COM Madurantakam, Chengalpattu District, shall pronounce the judgment in

O.S.No.27 of 2013 on or before 30.04.2025.

6. Therefore, these Civil Revision Petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

26.03.2025

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order
ep

Note:-

Issue order copy on 02.04.2025.

To

The District Munsif Court, Madurantakam, Chengalpattu.



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P.T.ASHA, J.

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