



C.R.P.(PD)(MD)No.544 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.544 of 2025

and

C.M.P(MD)No.2942 of 2025

- 1.Vineeta Lal
- 2.Arupkavan
- 3.R.Krishna Mohan
- 4.Ram Mohan

...Petitioners/Respondents 1,2,5,6/
Defendants 1,2,5,6

Vs.

- 1.V.T.Rajan
- 2.M.S.Rajan
- 3.Suchitra Ramadurai
- 4.Karthickkumar

...Respondents 1 & 2/Petitioners/Plaintiffs
...Respondents 3 & 4/Respondents 3 &4/
Defendants 3 & 4

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order dated 27.11.2024 passed in I.A.No.1 of 2023 in O.S.No. 168 of 2016 on the file of the Principal Sub Judge, Palani(Camp Court at Kodaikanal), Dindigul District.

For Petitioners : Mr.K.Sudalaiyandi

For Respondents : Mr.N.Sathish Babu for R1 & R2

* * * * *



C.R.P.(PD)(MD)No.544 of 2025

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ORDER

The defendants in O.S.No.168 of 2016, on the file of the Principal Sub Court, Palani, Camp Court at Kodaikanal, Dindigul District, had filed the present revision petition, challenging an order allowing the application for amendment of plaint.

2.A perusal of the plaint averments reveal that the said suit had been filed for the relief of permanent injunction not to disturb the possession. The plaint schedule property is shown as 25 acres in R.S.No.898/1C. The plaintiffs have also given four boundaries. So far, the trial has not begun. The plaintiffs had filed I.A.No.1 of 2023, seeking to amend the plaint schedule and to alter the four boundaries. As per the averments in the amendment application, this is a typographical error and it came to their knowledge only when they discussed the case with their Advocate for preparing the proof affidavit. The said reason has been accepted by the trial Court and the application for amendment had been allowed. Challenging the same, the present revision petition has been filed.



C.R.P.(PD)(MD)No.544 of 2025

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3. According to the learned Counsel appearing for the revision petitioners, the suit is pending from the year 2016. The mistakes in the boundaries were pointed out by the defendants in their written statement which was filed in the year 2016 itself. The Advocate Commissioner has visited the property and filed his report in the year 2017. Now the present application has been filed for amending the four boundaries of the plaint schedule property only in the year 2023. Therefore, the trial Court ought not to have allowed the application.

4. Per contra, the learned Counsel appearing for the respondent/plaintiff had contended that so far, the trial has not begun. The error found in the description of the property is only a typographical error and therefore, the trial Court has rightly allowed the application.

5. I have considered the submissions made on either side and perused the materials available on record.



C.R.P.(PD)(MD)No.544 of 2025

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6.As could be found from the application for amendment, the suit survey number or the extent of the property has not been amended. Only the four boundaries have been amended. The application had been filed before the trial has begun. In such circumstances, the trial Court has rightly allowed the application. This Court does not find any merits in the Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

25.02.2025

Internet:Yes/No
Index:Yes/No
RJR

To

The learned Principal Sub Judge, Palani(Camp Court at Kodaikanal),
Dindigul District.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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C.R.P.(PD)(MD)No.544 of 2025

R.VIJAYAKUMAR, J.

RJR

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