



CRP(MD). No.819 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.819 of 2022

Malarkodi

... Petitioner

Vs

1. Vasantha

2. R. Muralidaran

3. R. Gowthaman

4. R. Gayathiri Devi

5. Senthilkumar

6. Pushpavalli

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the fair order and decreetal order in I.A. No. 190 of 2021 in O.S. No. 114 of 2016 on the file of the Additional District Munsif Court, Thirumangalam dated 15.09.2021 and to set aside the same.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.C.Susikumar for R1,R3 to R5
No appearance for R2



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ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 15.09.2021 in I.A. No. 190 of 2021 in O.S. No. 114 of 2016 on the file of the Additional District Munsif Court, Thirumangalam.

2. The petitioner is the defendant in OS No.114/2016 and the said suit was filed by the respondents/plaintiffs for declaration and permanent injunction. Initially the suit was filed for declaration and permanent injunction and subsequently, the respondents filed two petitions to amend the plaint and the same were allowed. Subsequently another petition was filed in IA No.190/2021 to amend the plaint again and the same was allowed. Challenging the said order, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the respondents filed the petition for amendment at the time of conclusion of the trial and the trial Court allowed the IA in the said case with cost of Rs.1,000/- and hence, prays for setting aside the said order.



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4. The learned counsel for the respondents on the other hand would submit that the amendment is sought for only to amend Section 27C instead of 25B and hence, the trial Court considered the provisions of law and allowed the petition, which does not require interference.

5. I have considered the rival submissions and perused the materials available on record.

6. Considering the fact that the petition for amendment is sought only to amend the Section 27C instead of 25B in IA No.21/2021, which does not change the relief sought for or no prejudice would be caused to the petitioner by amending the said section and that the trial Court has rightly allowed the said application, it does not warrant any interference at the hands of this Court. Accordingly, the Civil Revision Petition is dismissed. However, since the suit is of the year 2016, the trial Court is directed to dispose of the suit within a period of twelve months from the date of receipt of a copy of this order. No costs.

01.07.2025

NCC : Yes/No
Index : Yes/No
RR



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TO

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1.The Additional District Munsif Court, Thirumangalam

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.819 of 2022**

Date : 01/07/2025