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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.1109 of 2025

and

C.M.P(MD)No.5986 of 2025

Santhanam

...Petitioner/Respondent/Defendant

Vs.

Singaram

...Respondent/Petitioner/Plaintiff

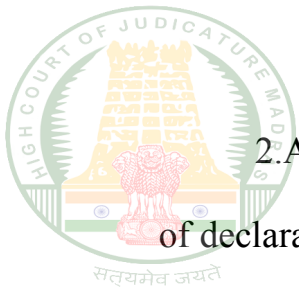
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decretal order dated 26.02.2025 made in I.A.No.3 of 2024 in O.S.No.131 of 2021, on the file of the Subordinate Court, Keeranur, and allow the above Civil Revision Petition.

For Petitioner : Mr.R.Venkatesan

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ORDER

The defendant in O.S.No.131 of 2021, on the file of the Sub Court, Keeranur, has filed the present revision petition challenging the allowing of an application filed by the plaintiff to amend the suit schedule property.

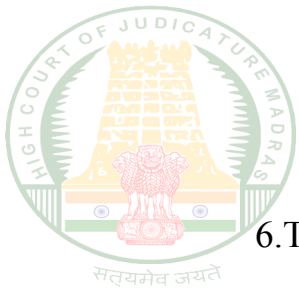


2. A perusal of the plaint reveals that the suit has been filed for the relief of declaration that the plaintiff is entitled to 1/3 share in Jeevantara Well and for consequential permanent injunction. The suit schedule property reveals that the suit has been filed for S.No.361/7. The defendant has filed his written statement contending that Well is not located in the suit property, namely, S.No.361/7, but it is located in S.No.363/3A-1. This written statement was filed on 16.02.2022.

3. The plaintiff had filed I.A.No.3 of 2024, to amend the suit schedule property, so as to incorporate the fact that Jeevantara Well is located S.No.363/3A-1. This application was allowed by the trial Court. Challenging the same, the present revision petition has been filed.

4. According to the learned Counsel appearing for the revision petitioner, though the mistake was pointed out in the written statement filed in February 2022, the present application for amendment of plaint has been filed only after a period of two years. Therefore, the trial Court was not right in allowing the said application.

5. This Court is not inclined to accept the said contentions. The mistake pointed by the defendant in his written statement has been rectified within a period of three years from the date of filing of the written statement and it does not alter the character of the suit in any way. Therefore, the trial Court has rightly allowed the application.



6. Therefore, there are no merits in the revision petition. Accordingly, this

Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

04.04.2025

Internet: Yes/No

Index: Yes/No

RJR

To

The learned Subordinate Judge,
Keeranur.

Copy to:-

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



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R.VIJAYAKUMAR, J.

RJR

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