



C.R.P.(NPD)(MD)No.2042 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(NPD)(MD)No.2042 of 2025

and

C.M.P.(MD)No.11829 of 2025

1.G.Arumugakumar
2.G.Sankar
3.G.Siva
4.G.Selvam

... Petitioners

Vs.

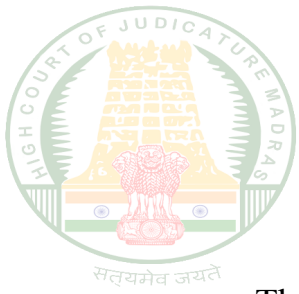
A.Ganapathy (died)

1.G.Vijayakumar
2.G.Vijayarani
3.G.Selvi
4.Lakshmi
5.R.S.Subashini
6.Kasthuri A.Kavitha
7.S.Saikumar
8.A.G.Karthik Kumar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in E.A.No.5 of 2024 in E.P.No.3 of 2024 in R.C.O.P.No.1 of 2004 dated 22.03.2025 on the file of the District Munsif cum Judicial Magistrate Court, Cheranmagadevi.

For Petitioners : Mr.A.Banumathy



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ORDER

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This Civil Revision Petition is filed challenging the order passed in in E.A.No.5 of 2024 in E.P.No.3 of 2024 in R.C.O.P.No.1 of 2004 dated 22.03.2025 on the file of the District Munsif cum Judicial Magistrate Court, Cheranmagadevi.

2.The petitioners are the respondents in R.C.O.P.No.1 of 2004 and E.P.No.3 of 2024. The original petitioner, namely A.Ganapathy, filed a petition for eviction as against the petitioners. The said petition was allowed in his favour vide order dated 20.03.2008. Thereafter, the execution proceedings was filed in E.P.No.3 of 2024. In that execution proceedings, the respondents filed an application in E.A.No.5 of 2024 seeking amendment under Order VI Rule 17 and Section 151 of CPC for amending the schedule of the property on the ground that in the execution proceedings, the schedule of property is mentioned contrary to the schedule of property mentioned in the rent control original petition. The said petition was allowed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioners submits that the respondents have filed this application after a lapse of twelve years and the same is not sustainable. However, the trial Court without considering all these issues, have



simply allowed the application filed by the respondents seeking amendment.

Hence, he prayed for appropriate orders.

4.Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

5.The facts in the present case are not in dispute. Admittedly, the father of the respondents herein, namely Ganapathy, filed a petition for eviction as against the petitioners. Since the said Ganapathy died, the respondents herein were impleaded as party to that proceedings. Thereafter, the Rent Control Original Petition was allowed in the year 2008 in favour of the respondents and thereafter, execution proceedings was filed and the same also came to be allowed in favour of the respondents. It is also not disputed that in the original petition, the schedule of the property was mentioned properly. However, in the order passed in the execution proceedings, the schedule of the property is wrongly mentioned. Thereby, the respondents sought amendment in E.A.No.5 of 2024 as per the schedule mentioned in the original petition. No prejudice would be caused by amending the schedule of the property as per the schedule mentioned in the original petition. The trial Court after considering the facts and circumstances of the case, has allowed the said application and the same need not be interfered.



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6. Accordingly, this Civil Revision Petition is dismissed. It is made clear that the petitioners can very well raise the plea of limitation before the trial Court in the execution proceedings itself. No costs. Consequently, connected miscellaneous petition is closed.

28.07.2025

Index : Yes/No
Internet : Yes / No
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To

1. The District Munsif cum Judicial Magistrate Court,
Cheranmagadevi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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