

C.R.P.(MD)No.1986 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)No.1986 of 2025

and

C.M.P(MD)No.11417 of 2025

1.Panchavarnam

2.Pandiammal

... Petitioners

Vs.

1.Ramar

2.Karuppiah

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the Fair and Decretal order passed by the District Munsif and Judicial Magistrate Court, Thiruchuli, Virudhunagar District in I.A.No.05/2023 in O.S.No.213/2021 on 01.12.2023 and allow this Civil Revision Petition.

For Petitioner : Mr.M.Jothi Basu

ORDER

This Civil Revision Petition is filed seeking to set aside the Fair and Decretal order passed by the learned District Munsif and Judicial Magistrate, Thiruchuli, Virudhunagar District in I.A.No.5/2023 in O.S.No.213/2021 on 01.12.2023 and allow this Civil Revision Petition.

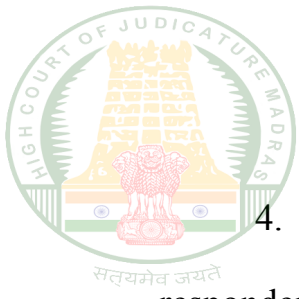


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2. The case of the petitioners is that the petitioners are the plaintiffs in O.S.No.213 of 2021. They filed a suit as against the respondents for declaration and permanent injunction. Pending suit, the petitioners filed an application in I.A.No.4 of 2022 for appointment of Advocate Commissioner to measure the property with the help of the Village Administrative Officer and Surveyor. The Advocate Commissioner had filed a report before the trial Court stating that Survey No.159/27 is located in the western and southern side of the survey No.159/10 and the said boundary was not incorporated in the plaint and thereby, the petitioner filed I.A.No.5 of 2023 under Order 6 Rule 17 & 18 for amendment of the pleadings and the said I.A.No.5 of 2023 was dismissed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioners would submit that admittedly, the petitioners filed a suit for declaration to declare that the suit properties are belonged to them based on the patta issued by the revenue officials in favour of the second plaintiff's husband and the first petitioner in Survey No.159/4, however, the Commissioner Report states the different survey numbers in S.No. 159/27 and hence, it is necessary to amend the prayer in the plaint and prays for allowing the Civil Revision Petition.



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

5. This Court perused the plaint filed by the petitioner. As per plaint they claims that the property in Survey No.159/4 and Patta No.99 was issued in favour of the petitioners. On that basis, the petitioners filed a suit for declaration and permanent injunction as against the respondents/defendants. However, the present I.A.No.5 of 2023 is filed under Order 6 Rule 17 & 18 for amendment of the pleadings on the basis of the commissioner's report, which is not sustainable one. At the time of filing the suit, the petitioner has arrived at a conclusion that the property is situated in survey No.159/4 and Patta No.99, however, now he filed I.A.No.5 of 2025 to amend the prayer is impermissible one and the issue was rightly appreciated by the trial Court and dismissed the I.A.No.5 of 2023. The learned Judge exercised his power conferred on him and there is no illegality or irregularity warranting interference by this Court.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2025

Index : Yes/No
Internet : Yes / No
am



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To

- 1.The District Munsif and Judicial Magistrate,
Thiruchuli, Virudhunagar District.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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