



C.R.P.(MD)No.2044 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2044 of 2021

and

C.M.P.(MD)No.10932 of 2021

1.Zeenath Nasima
2.Syed Abuthahir

...Petitioners

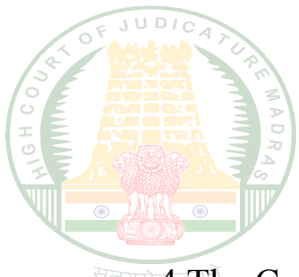
Vs.

1.Ahamed Gani Natchiya

Jainul Arabu (Died)

2.The Commissioner,
Kilakarai III Grade Municipality,
Vallal Seethakathi Salai,
Kilakarai Town,
Kilakarai Taluk,
Ramanathapuram District.

3.The Tahsildar,
Taluk Office,
Vandikara Street,
Ramanathapuram Town,
Ramanathapuram District.



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4.The Collector,
Collector Office,
Ramanathapuram District.

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and executable order passed in I.A.No.331 of 2021 in O.S.No.39 of 2012 dated 23.10.2021 in the Court of the District Munsif Court, Ramanathapuram in Ramanathapuram District.

For Petitioners : Mr.S.A.Ajmal Khan

For Respondent No.1 : Mr.J.Bharathan

For Respondents 3 & 4 : Mr.B.Saravanan

Additional Government Pleader

ORDER

This petition has been filed seeking to quash the order passed in I.A. No.331 of 2021 in O.S.No.39 of 2012 dated 23.10.2021, in the Court of the District Munsif, Ramanathapuram in Ramanathapuram District.

2.Learned Counsel for the petitioners would submit that the petitioners are the defendants in O.S.No.39 of 2012. The first respondent / plaintiff filed a



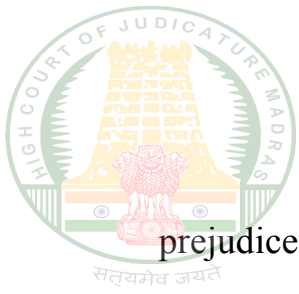
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suit for declaration that the suit schedule property is a public pathway and to restrain the petitioners from interfering with the suit schedule pathway. After completion of the evidence, on behalf of the plaintiff and defendants, a post-trial amendment petition was filed under Order 6 Rule 17 of CPC, in I.A.No. 331 of 2021. The same was allowed by the trial Court. Challenging the same, this Civil Revision Petition is filed.

3.Learned Counsel for the petitioners would submit that originally the first respondent averred different survey number as the pathway but now seeks to amend the same. Also, he wants to make amendment by deleting S.No. 324/537 and adding S.No.324/537/1. He further submits that the first respondent is trying to introduce different property by way of amendment, which is impermissible. Thereby, the petitioners filed the impugned I.A. and the same came to be allowed, which requires interference by this Court.

4.Learned Counsel for the respondents would submit that inadvertently, he mentioned wrong survey numbers, for which amendment is sought for. He further submitted that it is not a material alteration but only an inadvertent error made by the respondent. The first respondent has not altered the suit schedule property, thereby, the trial Court allowed the said petition, which will not cause



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prejudice to the petitioners herein. Hence, the order of the trial Court need not be interfered with and the first respondent expresses his no objection for the petitioners to examine any witnessess after the amendment, if it affects them.

5.Heard the learned Counsel on either side. Since the learned Counsel for the first respondent has expressed his no objection for the petitioners to examine witnesses after amendment, the order passed by the trial Court is sustained.

6.Accordingly, this Civil Revision Petition stands dismissed, with liberty to the petitioners to examine any witnesses post amendment, if they choose to do so. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

25.06.2025

Internet:Yes/No

Index:Yes/No

MR



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- 4.The Collector,
Collector Office,
Ramanathapuram District.
- 5.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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