



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2504 of 2022

and

C.M.P.(MD).No.12313 of 2022

Rasool Beevi

...Petitioner

Vs.

1.Baskar

2.Mohamed Saleem

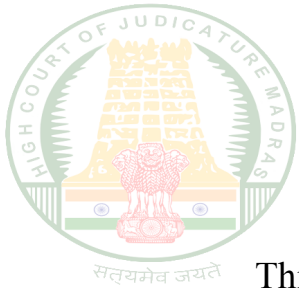
3.Arulmighu Sri Mahalingaswamy Devasthanam,
Thiruvidadaimarudur represented by its Executive Officer,
Arulmighu Sri Mahalingaswamy Devasthanam,
Thiruvidadaimarudur,
Thanjavur District.

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.46 of 2022 in O.S.No.27 of 2017 on the file of the Principal Sub Court, Kumbakonam, dated 27.10.2022, by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Sankar

For R-3 : Mr.Brijesh Kishore



ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed in I.A.No.46 of 2022 in O.S.No.27 of 2017 on the file of the Principal Sub Court, Kumbakonam, dated 27.10.2022.

2. The petitioner is the plaintiff in O.S. No.27 of 2017. The said suit was filed by the petitioner seeking a decree for setting aside the judgment and decree passed in E.P. No.33 of 2007 in O.S. No.68 of 2005. In the plaint filed in the said suit, there was a typographical error in the description of the suit property, wherein the survey number was incorrectly mentioned as T.S. No.14/1 instead of T.S. No.36/1. To rectify the said typographical error, the petitioner filed an application in I.A. No.46 of 2022 before the trial Court, seeking amendment of the plaint. However, the trial Court dismissed the said application with costs by an order dated 27.10.2022. Aggrieved by the said dismissal, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel for the petitioner submits that the error is purely typographical and that no prejudice would be caused to the respondents if the amendment were allowed.

4. Upon perusal of the materials and considering the submissions, it is not in dispute that the execution petition in E.P. No.33 of 2007 referred to the



survey number as T.S. No.36/1. The present suit was filed in the year 2017, and the application for amendment was filed only in 2022 after a lapse of five years.

Such delay, without satisfactory explanation, does not warrant the exercise of discretion in favour of the petitioner.

5. In view of the above, this Court finds no merit in the present Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

12.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1.The Principal Sub Court, Kumbakonam.

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



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M.DHANDAPANI, J.

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