



C.R.P.(PD)(MD)No.3223 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.3223 of 2023

and

C.M.P(MD)No.16609 of 2023

Mythili (Died)

- 1.R.Brindha
- 2.R.Bhuvaneshwari
- 3.S.Sujatha

(The Petitioners 1 to 3 are rep. by their
power agent B.Venkateswaran
S/o.Balasubramanain.)

4.B.Venkateswaran

...Petitioners/Petitioners/Plaintiffs

Vs.

A.Vijayalakshmi (Died)

- 1.Valli
- 2.Raja
- 3.Suresh

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair order and Decretal order made in I.A.No.5 of 2023 in O.S.No.196 of 2018 on the file of the Additional Subordinate Court, Thanjavur, dated 15.09.2023 and allowed this Civil Revision Petition.



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For Petitioner : Mr.G.Karnan

For Respondents : Mr.M.R.Sreenivasan

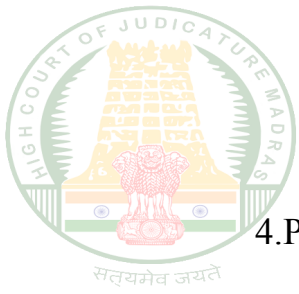
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ORDER

The plaintiffs in O.S.No.196 of 2018, on the file of the Additional Sub Court, Thanjavur, have filed the present revision petition challenging the dismissal of their application for amendment of the plaint.

2.A perusal of the records reveal that the suit has been filed for the relief of declaration of title and recovery of possession. A perusal of the plaint averments reveal that the property was handed over to the plaintiff's father-in-law in the year 1955, by way of oral lease. This facts is incorporated in the cause of action paragraph also. However, when the suit was posted for reply arguments of the plaintiffs, the present petition has been filed seeking to amend the plaint to substitute the year 1955 as 1945. This application has been dismissed by the trial Court on the ground that it has been belatedly filed. Challenging the same, the present revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioners, due to typographical error, instead of 1945, 1955 was mistakenly incorporated in the plaint. Therefore, the amendment should have been allowed.



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4.Per contra, the learned Counsel appearing for the respondents herein had contended that an amendment has been introduced during the argument stage and therefore, it is hit by the proviso to Order 6 Rule 17 of C.P.C.

5.I have considered the submissions made on either side and perused the materials available on record.

6.A perusal of the plaint prayer reveals that the suit has been filed for the relief of declaration of title and recovery of possession. The year of the lease in favour of the plaintiff would not have any relevance, whatsoever, for declaration of title in favour of the plaintiff, if he is otherwise able to establish his title. That apart, the present application having been filed at the argument stage is not maintainable. The trial Court has rightly rejected the said application.

7.Therefore, there are no merits in the revision Petition. Accordingly, this Civil Revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

25.03.2025

Internet:Yes/No
Index:Yes/No
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R.VIJAYAKUMAR, J.

RJR

To

The learned Additional Subordinate Judge,
Thanjavur.

Copy to:-

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

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