



CRP(MD). No.3529 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.3529 of 2025

and

CMP(MD)No.18938 of 2025

1.Raju

2.Chinnasamy

3.Nagarajan

... Petitioners

Vs

Eruthi Goundar
represented by his power agent,
Ganesan

... Respondents

PRAYER :-

Civil Revision petition filed Under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decreetal order in I.A.No.10 of 2025 in O.S.No.10 of 2024 passed by District Munsif cum Judicial Magistrate, Viralimalai, dated 01.11.2025 and set aside the same.

For Petitioner : M/s. A.Balakrishnan
Advocate.



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ORDER

This Civil Revision petition is filed to call for the records pertaining to the fair and decreetal order in I.A.No.10 of 2025 in O.S.No. 10 of 2024 passed by District Munsif cum Judicial Magistrate, Viralimalai, dated 01.11.2025 and set aside the same.

2. The petitioner's application for amendment of his counter claim to delete the item No.3 in 'A' schedule has been dismissed by the Court below as the proposed amendment would amount to alter the substance in the counter claim and defeat the effect of the evidence already recorded. A reply statement filed by the respondent / plaintiff to the counter claim would indicate that he had attacked the counter claim as being bad for non joinder of the owner of the item No.3 of A schedule.

3. Hence, in this view of the matter, this Court is of the view that without setting aside the order impugned herein, the petitioner can be at liberty to not press his counter claim in respect of item No.3 of A schedule property, as it could not cause any further delay in disposal of the suit which is already in the stage of argument.



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4. For the aforesaid reasons, even though this Court do not find any merits in this petition, this Civil Revision Petition is disposed of with liberty to the petitioner to not press his counter claim in respect of Item No.3 in Schedule A to his counter claim. If such an endorsement is made, the Counter claim may not deal with the said property and the learned District Munsif cum Judicial Magistrate, Viralimalai, would also proceed to dispose of the suit in O.S.No.10 of 2024 as expeditiously as possible but however not later than eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

25.11.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

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K.KUMARESH BABU, J

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To

- 1.District Munsif cum Judicial Magistrate, Viralimalai.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
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