

C.R.P.(MD)No. 2385 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2385 of 2022

and

C.M.P.(MD)No.11526 of 2022

1.Chellammal

2.Baskar

3.Ramalakshmi

...Petitioners

Vs.

1.Paramasivan

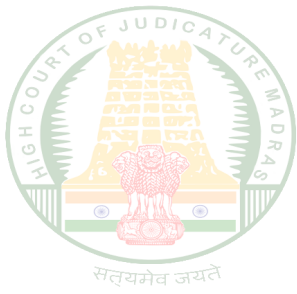
2.Vijay Murugan

3.Muthukumar

4.Chakkaravarthi

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 10.08.2022 passed in I.A.No.12 of 2022 in A.S.No.4 of 2019, on the file of Principal District Court, Tirunelveli and allow the present Civil Revision Petition.



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For Petitioners : Mr.R.J.Karthick

For Respondents 1 to 3 : Mr.G.Prabhu Rajadurai

For Respondent No.4 : No Appearance

ORDER

This petition has been filed seeking to set aside the fair and decreetal order dated 10.08.2022 passed in I.A.No.12 of 2022 in A.S.No.4 of 2019, on the file of Principal District Court, Tirunelveli.

2.Learned Counsel for the petitioners would submit that the first petitioner is one of the defendant and the second and third petitioners are the legal heirs of one Ganesan, who is also one of the defendants in O.S.No.83 of 2010. The said suit was filed by the respondents / plaintiffs for specific performance. After contest, the said suit was dismissed. Thereafter, the respondents preferred appeal before the lower appellate Court in A.S.No.4 of 2009. Earlier the respondents / plaintiffs filed I.A.Nos.9 and 10 of 2021, under Order VI Rule 17 and Section 151 CPC, for amending the plaint and the appeal memorandum, respectively, by amending the extension as 21 cents instead of 35 cents. The said I.As were dismissed. Challenging the same, the respondents / plaintiffs filed Civil Revision Petitions in C.R.P.(MD)Nos.680 & 681 of 2022.



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The said Civil Revision Petitions were disposed of, by setting aside the orders passed in I.A.Nos.9 & 10 of 2021 and directed the respondents / plaintiffs to file a fresh amendment petition before the appellate Court. On such filing, the appellate Court was directed to dispose of the same. Pursuant to the said order, the present I.A.No.12 of 2022 came to be filed for amendment of the extension in the suit schedule properties as 21 cents instead of 35 cents. The said petition came to be allowed by this Court. Aggrieved by the same, the present Civil Revision Petition has been filed.

3.Per contra, learned Counsel for the respondents would submit that in the original suit, as per the sale agreement, it is only 21 cents and inadvertently they have stated as 35 cents. In fact, such amendment is beneficial to the petitioners / defendants and thereby, the present amendment petition is filed only in terms of the sale agreement ultimately entered into between the petitioners and the respondents. Thereby, the trial Court allowed the I.A., which need not be interfered with.

4.The facts in the present case are not in dispute. The impugned I.A. has been filed by the respondents for amendment of the extension in the suit schedule properties as 21 cents instead of 35 cents. The respondents / plaintiffs



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have themselves admitted that only 21 cents belong to them through the sale deed. Further, it has been fairly submitted by the respondents / plaintiffs that the present amendment sought for is only beneficial to the petitioners and they are no way prejudiced by such amendment being carried out. Hence, this Court does not find any illegality or infirmity in the order passed by the trial Court.

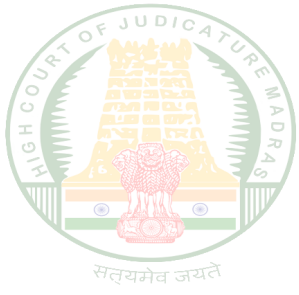
5. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

08.08.2025

Internet: Yes/No

Index: Yes/No

MR

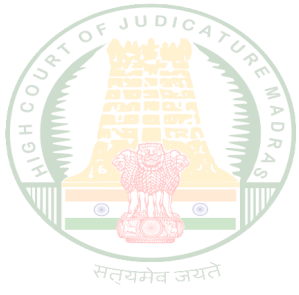


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To

- 1.The Prinicipal District Court,
Tirunelveli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

C.R.P.(MD)No.2385 of 2022

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