

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2178 of 2015 &

M.P. No.1 of 2015

1. P.Selvaraj
2. P.Sivaraj
3.K.Meera @ Meena
4.P.Rangaraj

... Petitioners/Plaintiffs 2 to 5

- vs -

1. P.Krishnaraj
2. K.Jothi

... Respondents/Defendants

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 28.02.2014, made in I.A.No.162 of 2012 in O.S.No.126 of 2003, on the file of the Subordinate Judge, Cuddalore.

For Petitioners : Mr.T.Sundaresan

ORDER

Challenging the fair and final order passed in I.A.No.162 of 2012 in O.S.No.126 of 2003 on the file of the Principal Sub Court, Cuddalore, the plaintiffs have filed the above Civil Revision Petition.

2. The plaintiffs have filed the suit in O.S.No.126 of 2003 for partition and for permanent injunction and the first defendant filed his written statement wherein, in paragraph 5 he has stated that the plaintiffs have suppressed the fact that the Door No.51-A was allotted to one Manickam and 51-B was allotted to Govindasamy. Further, he has stated that the suit filed by the plaintiffs for partition at Door No.51-A is liable to be dismissed. The suit was filed in the year 2003 and the first defendant filed his written statement in the year 2004 itself. Thereafter, the plaintiff filed an application seeking for amendment of the door number which was also allowed by the Trial Court. Subsequently, after completion of oral evidence, the plaintiffs have filed the present application seeking for amendment of the survey numbers and also the boundaries. The plaintiffs have not stated any acceptable reason for filing the petition at a belated stage and also no reasons has been assigned for not filing the application at the earliest point of time. The present application has been filed nearly after nine years from the date of filing of the suit and that too only

after the completion of plaintiffs oral evidence and when the suit was posted for arguments. In the absence of any acceptable reason given by the plaintiffs for amending the plaint, the Trial Court has rightly dismissed the application. That apart, when the first defendant has specifically stated about the survey numbers in his written statement filed in the year 2004, the plaintiffs have not chosen to amend the survey numbers at the first instance and has filed the amendment application belatedly. Filing of the application at the fag end of the suit is only to drag on the matter which is pending for more than twelve years.

3. In theses circumstances, the Trial Court has rightly dismissed the application and I do not find any error or illegality in the order passed by the Trail Court. Hence, this Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.06.2015

Index : No
Internet : Yes

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To

The Subordinate Judge, Cuddalore.

M. DURAISWAMY, J.,

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