

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.08.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.(PD)No.3148 of 2015 &

M.P.No.1 of 2015

S.Ganesan

... Petitioner

v.

1.S.Ellappan

2.P.Mayandi

3.P.Vadivelu

4.P.Neelangandan

5.Gokulakannan

6.Rangasamy

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 21.04.2015 passed in I.A.No.1732 of 2014 in O.S.No.6 of 2009 on the file of District Munsif Court, Madurantagam

For Petitioner : Mr.K.Govi Ganesan_

O R D E R

The revision petitioner filed the suit in O.S.No.6 of 2009 on the file of District Munsif Court, Madurantagam for declaration and permanent injunction with respect to suit schedule property. The plaintiff also sought to

declare one sale deed dated 5.11.2009 bearing Document No.3369/2009 executed by the defendants 2 to 5 in favour of 1st defendant as null and void.

2. In the plaint, the petitioner-plaintiff has stated that one Chinnammal and her husband Muthu owned an extent of 1.41 acres in Survey No.406/1A at Udalkarakuppam Village, Cheyyur Taluk in Kancheepuram District. After the death of her husband, viz., Muthu, Chinnammal sold an extent of 0.51 cents out of 1.41 acres to the plaintiff, which is the suit schedule property.

3. There are 6 defendants in the suit. The written statement was filed. Thereafter, issues were framed. On the side of the plaintiff, he was examined as P.W.1 and some documents were marked. Thereafter, D.W.1 was examined and some documents were marked.

4. When the matter was posted for cross examination of D.W.1, the revision petitioner-plaintiff, filed an application in I.A.No.1732 of 2014 under Order VIII, Rule 9 and read with section 151 of CPC, to receive additional pleadings stating that Chinnammal's father name is Pavadai and she obtained the property through her father.

5. The same was resisted by the respondents herein, who are the

defendants in the suit.

6. After hearing both sides, by order dated 21.04.2015, the District Munsif Court, Madurantagam, dismissed the application in I.A.No.1732 of 2014 in O.S.No.6 of 2009.

6. The Civil Revision Petition is against the aforesaid order.

7. After advancing the arguments, the learned counsel for the petitioner has submitted that he may be permitted to withdraw the Civil Revision Petition with liberty to file fresh application under Order VI, Rule 17 of CPC to amend the pleadings and to that effect, he has also made an endorsement in the Civil Revision Petition.

8. In view of the submission made by the learned counsel for the revision petitioner, the Civil Revision Petition is dismissed as withdrawn with liberty to file fresh application. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2015

Rj

To
The District Munsif Court,
Madurantagam

D.HARIPARANTHAMAN,J.,

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